



An
Coimisiún
Pleanála

Inspector's Report

ACP-323132-25

Development

Application for consent for compulsory acquisition of a derelict site in accordance with Section 16 of the Derelict Sites Act 1990, as amended.

Location

35 O'Neill Park, Clones, Co. Monaghan.

Planning Authority

Monaghan County Council

Notice Party

Jim Kierans

Date of Site Inspection

12th January 2026

Inspector

Stephen Ward

1.0 Introduction

- 1.1. This case relates to a request by Monaghan County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at 35 O'Neill Park, Clones, Co. Monaghan, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The site is part of the housing estate known as O'Neill Park at the northern end of Clones, County Monaghan. It is located near the end of a small *cul-de-sac* consisting of similar 2-storey semi-detached and terraced houses to the west and south. The adjoining lands to the east and north of the site are undeveloped.
- 2.2. The site itself (No. 35) contains a semi-detached 2-storey dwelling adjoining No.36. It is a wedge-shaped corner-site with a small front garden and a larger/wider rear garden. It has a stated area of 280m². The front garden is bounded by a pedestrian gate, railings, and hedging, while the rear garden is bounded by a mix of fencing and overgrown vegetation.
- 2.3. My observations of the site on the date of the inspection include the following:
 - The property was vacant.
 - There were broken glazing panes in the front and rear doors (possible indication of forced/unauthorised entry).
 - The exterior façades were dirty.
 - The door and window finishes were damaged and not maintained.
 - The garden was overgrown and unkept, including rubbish/litter.
 - Vegetation was growing out of the rainwater gutters.

3.0 Legislative Context

Derelict Sites Act 1990 (as amended)

The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

Section 3 of the Act defines 'derelict site' as:

“Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict, or dangerous condition, or

(b) the neglected, unsightly, or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.

Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.

Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.

Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land

becoming or continuing to be a derelict site.

Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.

Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Commission.

4.0 Application for Consent of Acquisition

4.1. Monaghan County Council has applied to the Commission for consent to compulsorily acquire the site under section 14/16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under section 8(2), on 26th of April 2024, advising of the Local Authority's intention to enter the site on the register of derelict sites, and under section 8(7), on the 1st of October 2024, advising of the Local Authority's decision to enter the site on the register of derelict sites.

5.0 Application and Objection

5.1. Notice of Intention to Acquire

5.1.1. Notice of Monaghan County Council's intention to acquire the site compulsorily was served on Jim Kierans and the owners/occupiers on the 19th of May 2025 and was published in the Northern Standard Newspaper on the 22nd of May 2025. The site was described as follows in the notices:

- Two storey Semi-detached terraced property at 35 O'Neill Park, Clones, Co. Monaghan, H23 RY67.

5.1.2. I consider that the notices were in accordance with the requirements of section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

5.2. **Objection to Acquisition**

5.2.1. An objection to the proposed compulsorily acquisition was received by Monaghan County Council from an email address associated with a Shauna Tierney (apparently on behalf of Jim Kearins) on 27th June 2025. The objection can be summarised as:

- The property is currently in the process of being transferred to his daughter.
- They are fully aware of the derelict condition of the property and are actively taking steps to address this.
- They are currently applying for a grant to assist in the necessary renovation and improvement works, with the intention of bringing the property back to a habitable and sustainable condition as soon as possible.
- They are committed to cooperating with the council throughout this process and will keep it updated on the progress of the grant application and subsequent works.

5.3. **Local Authority's Application for Consent**

5.3.1. The Local Authority requests the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was submitted on the 24th of July 2025 and was accompanied by the following:

- Map of site area for compulsory acquisition.
- Copy of the notice and Chief Executive's Order of intention to acquire the derelict site served on owner/occupier.
- Chief Executive's Order relating to the proposed Compulsory Acquisition.
- Local Authority Report (i.e. Derelict Site report) which sets out a description of the site, the background to the case, details of the objection, and recommendations. The report included photographs of the property/site and details of site inspections.
- Copies of Chief Executive Orders & notices issued under Sections 22, 8(7) & 8(2) of the Derelicts Sites Act 1990, as amended.
- Copy of the newspaper notice, dated 22nd of May 2025.

The main aspects of the Local Authority Report can be summarised as follows:

- Initial inspection was carried out on 11th of April 2024 and found the property to be in poor condition with exterior walls dirty, vegetation in gutters, broken rear window, and unkept gardens. The surrounding area and properties were found to be well maintained and visually appealing.
- Further inspections on 4th of September 2024 and 31st of January 2025 found no changes to the property.
- The objection to compulsory acquisition is noted. The local authority responded to the objection outlining its policy to implement the Derelict Sites Act 1990 (as amended) and that no change to the property has occurred despite previously stated intentions to refurbish the property.
- The Council placed the property on the derelict site register on 1st October 2024 and the Section 22 (valuation) notice was issued on 26th of November 2024.
- A Section 15 notice (of intention to acquire derelict site compulsorily) was issued on 19th of May 2025.
- Another site visit was carried out in July 2025 and the property was assessed having regard to Section 3 of the 1990 Act and the CDP provisions. It is considered that:
 - The structure is not in a ruinous, derelict or dangerous condition under Section 3(a).
 - The structure has been left unoccupied and neglected for a considerable period of time and Section 3(b) would apply.
 - While there is some element of rubbish on site, it is not substantial. Therefore, Section 3(c) does not apply.
- The Act requires an assessment of whether the land/property detracts or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood. Having regard to the conjoined nature of the property to another dwelling, its location at the head of a *cul-de-*

sac in an established residential estate, and the close proximity to adjacent occupied properties, it is considered that this would be the case.

- There have been no attempts to improve the property despite a request from MCC to meet and discuss plans to make the property non-derelect.
- The report recommends that the matter be referred to the Commission to seek consent for compulsory acquisition.

5.4. Objectors Submission

The Commission did not receive any submissions on the application for consent.

6.0 Planning History

None.

7.0 Policy Context

7.1. Monaghan County Development Plan 2025-2031

- 7.1.1. In accordance with the Clones Town (Map CDP1) the site is zoned 'Existing Residential', the objective for which is:

To protect and enhance existing residential amenity, to facilitate residential development on small infill sites within established residential areas, the comprehensive redevelopment of brownfield residential sites for sustainable residential development, and to facilitate and encourage the completion of commenced and not yet completed residential developments.

- 7.1.2. Section 9.3.1 of the CDP outlines the provisions of the Derelict Sites Act 1990 and outlines MCC's intention to take action in this regard.

- 7.1.3. Urban Regeneration Objective URO 3 is '*To address the impact of derelict site(s)/structure(s) upon the amenity of an area through the application of the statutory mechanisms afforded through the Derelict Sites Act 1990*'.

- 7.1.4. Chapter 13 'Clones Town Settlement Plan 2025-2031' highlights positive interventions under the Derelict Sites Act 1990 and the Clones Renewal Scheme, an

award-winning project. It includes Objective CLO 1, which supports Clones Town Team and encourages development which will reverse economic and social decline and provide an improved quality of life.

8.0 **Assessment of Issues**

8.1. **Site Inspection**

8.1.1. Internal access to the dwelling was not possible on the date of my site inspection on 12th of January 2026. However, I was able to view the dwelling from the public road and from the side and rear of the site. The structure is vacant and has a neglected, unsightly and objectionable appearance from the public road and the surrounding area.

8.1.2. My observations of the site on the date of the inspection include the following:

- There were broken glazing panes in the front and rear doors (possible indication of forced/unauthorised entry).
- The exterior façades were dirty.
- The door and window finishes were damaged and not maintained.
- The garden was overgrown and unkept, including rubbish/litter.
- Vegetation was growing out of the rainwater gutters.

8.1.3. The site is in a prominent location at the elevated end of a *cul-de-sac* extending from a longer estate road. The unsightly condition and poor maintenance of the dwelling and its curtilage materially detracts from the character, amenity, and appearance of the area. The dwellings in the immediate surrounds appear to be well maintained and occupied.

8.2. **Category of Dereliction**

8.2.1. I note that the Local Authority considered that the property fell under only Category (b) of Section 3 of the derelict Sites Act 1190, as amended.

8.2.2. I would concur with the planning authority's conclusion that the building is not in a ruinous, derelict or dangerous condition. Therefore, I do not consider that the site falls under category (a) of Section 3 of the Derelict Sites Action 1990, as amended.

- 8.2.3. Based on my site inspection, it is my view that the property is still in a neglected, unsightly and objectionable condition. I therefore consider that the site falls under Category (b) of Section 3 of the Derelict Site Act 1990, as amended.
- 8.2.4. While there was evidence of rubbish and litter in the gardens, I would concur with the planning authority's conclusion that it was not to a substantial extent. Therefore, I do not consider that the site falls under Category (c) of Section 3 of the Derelict Sites Act 1990, as amended.
- 8.2.5. Having regard to Section 3 (b) of the Derelict Sites Act 1990, as amended, as discussed above, it is my view that the lands are detracting to a material degree from the amenity, character, and appearance of land in the neighbourhood of the land in question.

8.3. Action of Local Authority

- 8.3.1. I note the actions of the Local Authority and the statutory notices served on the owner/occupier in respect of the site. Section 8(2) notices were served on the owner on 26th of April 2024 advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served on the owner on 1st of October 2024, advising the owner that the site had been entered on the Derelict Sites Register. A Section 15(1) notice was served on the current owners on the 19th May 2025 and published in the Northern Standard Newspaper on the 22nd of May 2025 regarding the Local Authority's intention to acquire the site compulsorily. Having regard to the above, I am satisfied that the Local Authority complied with the requirements of Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended.
- 8.3.2. I note that Local Authorities have a duty (under section 10) "to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any such land does not become/continue to be a derelict site." As expressed in the Local Authority's report, MCC have engaged with the owners/occupiers since April 2024 with regards to the derelict state of the property. Having regard to the foregoing I am satisfied that the Local Authority has given the property owner sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

8.4. Compliance with Development Plan

- 8.4.1. I note that the Monaghan County Development Plan 2025-2031, specifically Section 9.3.1, Objective URO 3, and Objective CLO 1, seeks to address the impact of derelict site(s)/structure(s) upon the amenity of an area through the application of the statutory mechanisms afforded through the Derelict Sites Act 1990 and encourages development which will reverse economic and social decline and provide an improved quality of life. I consider that the subject property detracts to a material degree from the character, amenity and appearance of the surrounding area. Therefore, I consider that the proposed compulsory acquisition would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition and will contribute to the regeneration of the area.

8.5. Action of the Owner to address Dereliction

- 8.5.1. I note that an objection to the proposed acquisition of the site made to the Local Authority was received from an email address associated with a Shauna Tierney (apparently on behalf of Jim Kearins) on 27th June 2025. The objection fully accepted the derelict condition of the property but outlined ongoing attempts to address the matter through transfer of ownership, grant assistance, and consultation with MCC. No further objections were made to the Commission.
- 8.5.2. I note that owner/occupiers have obligations (under section 9 of the Act) to “take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site”. I note from my site inspection on the 12th of January 2026 that it was not apparent that any further works had been undertaken to address the appearance of the subject property since the 27th of June 2025 (when correspondence was last received on behalf of the Notice Party).
- 8.5.3. Having regard to the above, it is my view that the owner has not taken material steps to address the dereliction. Having inspected the site, there is no evidence of any further attempt to render the site non-derelict, and the property remains in a neglected and unsightly condition.

9.0 Conclusion

- 9.1.1. I am satisfied that the process and procedures undertaken by Monaghan County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 9.1.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising a two storey semi-detached terraced property at 35 O'Neill Park, Clones, Co. Monaghan, H23 RY67, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict sites Act 1990, (as amended) and dated 19th May 2025, was rationally connected to a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 9.1.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in the submissions to the Commission and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 9.1.4. The effects of the compulsory acquisition on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Monaghan County Development Plan 2025-2031, specifically Section 9.3.1, Objective URO 3, and Objective CLO 1, which seek to address the impact of derelict site(s)/structure(s) upon the amenity of an area through the application of the statutory mechanisms afforded through the Derelict Sites Act 1990 and encourages development which will reverse economic and social decline and provide an improved quality of life. Accordingly, I am satisfied that that the grant of consent to compulsorily acquire these lands is clearly justified by the exigencies of the common good.

10.0 Recommendation

- 10.1.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structures thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.
- 10.1.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Monaghan County Council to compulsorily acquire the site.

11.0 Reasons and Considerations

- 11.1.1. Having regard to the neglected, unsightly and objectionable state of the land and structure, having considered the objections made to the compulsory acquisition, and also:

- The constitutional and convention protection afforded to property rights,
- The public interest, and
- The provisions of Monaghan County Development Plan 2025-2031,

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 section 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Stephen Ward
Senior Planning Inspector

26th of January 2026