



An
Coimisiún
Pleanála

Inspector's Report

ACP-323861-25

Nature of Application	Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended
Location	Main Street, Tulla, Co. Clare
Planning Authority	Clare County Council
Notice Party	Outerlimit Investments Limited
Date of Site Inspection	23 rd March 2025.
Inspector	Carol Hurley

1.0 Introduction

This case relates to a request by Clare County Council for the consent of An Coimisiun Pleanala to the compulsory acquisition of the subject site at Main Street, Tulla, Co. Clare, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The subject site is located on the northeastern side of Main Street, Tulla, Co. Clare. The buildings are known locally as 'Murrays'. I note from the report of the Local Authority that the western property has the Eircode V95 VH32 and there is no Eircode for the eastern property.
- 2.2. The two properties adjoin one another with the larger (eastern) building, painted dark green having a higher ridge than that of the western building, painted light green. The properties are mid terrace within a row of structures addressing Main Street, with a similar layout on the southwestern side of the road. The overall site has an area of approximately 0.126 hectares.
- 2.3. The western building adjoins an existing dwelling and the eastern building adjoins what appears to have been a commercial property but at time of site visit was not in use for commercial purposes.
- 2.4. The properties are located within a designated Architectural Conservation Area. The properties are not Protected Structures nor are they listed on the National Inventory of Architectural Heritage (NIAH).
- 2.5. At the time of my site visit I approached Main Street from the west and noted that the properties are prominent being located on the elevated part of Main Street and regard being had to the curved alignment of the road.
- 2.6. As per the Clare County Development Plan 2023-2029, Tulla is designated as a 'Small Town'. The core retail elements being centred around the junction of Main Street and the L4084 road to the east of the subject site and includes a supermarket and hardware shop among other offerings. The retail elements continue in an easterly direction.

- 2.7. The area to the west of this junction appeared to be more characteristic of being residential area with a veterinary clinic located to the west of the subject site. It appeared to me that previously this section of the Main Street also offered other uses such as a pubs which are now not in use.
- 2.8. On the day of my site visit, I was able to view the properties from the public street. The larger building to the east, painted dark green with black to the pilasters, at ground floor level has a boarded up arched doorway and arched window, the remaining window contains remnants of posters, the access to the first floor level is boarded up with a steel door. The boarding material is dirty and degrading. The timber door to the archway to the east of the building is rotting and is secured with a makeshift timber batten. The plasterwork while painted is unfinished within the 'shopfront' area of the front elevation at ground floor level. The blockwork is exposed within the window and door opes at ground floor level. At the point where the plaster meets the street level is cracking and breaking.
- 2.9. At first floor level, the only visible downpipe at the eastern end of the building is broken. The outer leaf of the lower centre section of the bay window at first floor level is missing and the flashing is loose. There is loose wiring hanging at the western side of the building.
- 2.10. The smaller building to the west is painted light green and is completely boarded up.
- 2.11. There are visible cracks and discolouration in the paint work in the section between the ground floor and first floor level.
- 2.12. The downpipe to the western side of the building is degrading and the gutter to the eastern side is broken and not connected to a downpipe. There is discolouration to the paint work at this section. Part of the first-floor central window ope is broken.
- At the point where the plaster meets the street level is cracked and broken.

3.0 Application for Consent of Acquisition

- 3.1. Clare County Council has applied to An Coimisiun Pleanala for consent to compulsorily acquire the sites under Section 14 of the Derelict Sites Act, 1990, as amended.

I note that this application is subsequent to the serving of notices under Section 8(2) of the Derelict Sites Act 1990 on 1st February 2022, advising of the Local Authority's intention to enter the site on the register of derelict sites and notice under Section 8(7) of the Derelict Sites Act 1990 on 29th March 2022, advising of the Local Authority's decision to enter the site on the register of derelict sites.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

Notice of Clare County Councils intention to acquire the site compulsorily was published in the Clare Champion on the 12th of September 2025. The site was described as follows in the notice;

“Two derelict adjacent two storey properties and surrounding site, Main Street, Tulla, Co. Clare, V95 VH32”

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.

4.2. Objection to Acquisition

4.2.1. An objection to the proposed acquisition was submitted to Clare County Council by Kashif Tanveer Ahmad, Director of Outerlimit Investments Limited in a letter dated 7th October and received by Clare County Council on 14th October 2025 (date stamp). The objection can be summarised as follows;

- Lack of adequate notice, process or consultation.
- If any procedural requirements have not been satisfied the CPO should be considered invalid.
- The property can be brought out of derelict status by appropriate remedial works. The company is willing and able to undertake such works within a reasonable timeframe. In the medium to long term the property will be developed per the development granted in May 2024.
- Request that Clare County Council withdraw the proposed compulsory acquisition and all for all objections to be considered and all due process.

- The company be afforded a formal oral hearing to present further evidence on the scope of remedial works.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of An Coimisiun Pleanala to the compulsory acquisition of the derelict site. The application for consent was submitted on 12th November 2025 and was accompanied by the following;

- Local Authority Compulsory Acquisition Report which sets out the location of the derelict site, history of the action taken on the property under the Derelict Sites Act 1990, history of actions taken on the site as a dangerous structure, relevant planning history, copy of planning histories and substantial correspondence between Clare County Council and the property owners between 2021 and 2025.
- Copy of the Newspaper Notice (dated 12th September 2025)
- Copy of the notices served on the owners of the site (dated 12th September 2025)
- Copy of the objection made by Outerlimit Investments Limited dated 7th October (received by the LA on 14th October 2025)
- Copy of letter from TSM Ventures dated 7th October 2025 (received by the LA on 14th October).

4.4. Objectors Submission

4.4.1. No submissions were received by An Coimisiun Pleanala from the objectors.

5.0 Planning History

PA Ref 2460041 – Permission granted to TSM Ventures Limited on the 2nd of May 2024 for the for a change of use to coffee shop, food takeaway and 4No. residential apartments including alterations and refurbishment to existing shared accommodation. The development will consist of (i) coffee shop of 77.6m², (ii) food take-away of 77.6m², (iii) 1No. 1-bedroom ground floor apartment & 1 No. 2-bedroom ground floor apartment, (iv) 1 No. 1-bedroom first floor apartment & 1No. 2-bedroom first floor apartment, (v) refurbishment of 5-bedroom shared accommodation at the

first floor, all over two storeys, existing connections to public sewers and services together with hard & soft landscaping, bicycle storage shelter, bin storage and parking and all associated site works.

PA Ref 05684 – Retention permission granted on 15th July 2005 for signboard details, for an area of approximately 20 square metres at the rear of the licenced premises and for minor internal variations to the original development plans that were granted permission in 1986.

6.0 Policy Context

6.1. Clare County Development Plan 2023-2029.

- 6.1.1. The subject property is zoned 'Mixed Use' in the Clare County Development Plan 2023-2029 (Volume 3c Killaloe Municipal District). The Development Plan sets out that on lands that have been zoned 'mixed-use' in or near town or village centres, a diverse range of day and evening uses is encouraged and an over concentration of any one use will not normally be permitted.

The Killaloe Municipal District, Volume 3c 'Settlement Plans' acknowledges that Tulla has a high rate of vacancy within the established fabric of the town. The future strategy for Tulla is to promote the consolidation of the existing town through brownfield reuse/redevelopment, addressing vacancy and the under-utilisation of the existing building stock.

The site is located within the area designated as 'Town Centre'.

The site is located within an Architectural Conservation Area.

- 6.1.2. The following objectives from the County Development Plan are considered relevant;

6.1.3. Section 4.2.2 Compact Growth

Clare County Council acknowledges the social and economic benefits of more compact settlements and is committed to delivering compact growth, through active land management and initiatives to revitalise urban settlements. The policies and objectives in this Plan promote the efficient use of urban lands to achieve compact growth, through the intensification, consolidation and positive revitalisation of our towns and villages throughout the county.

6.1.4. Section 5.2.2 'Living in our Towns and Villages'

Active land management, sustainable compact growth, placemaking and climate change adaptation and mitigation are key objectives of both the NPF and the RSES...Within the towns and villages across County Clare there are brownfield and infill site redevelopment opportunities...The Council will use various mechanisms available to resolve issues of title including Compulsory Purchase Orders to resolve long standing vacancy/ dereliction issues in towns...However, the Council will prioritise working with the relevant landowner(s) and stakeholders on a partnership basis to resolve such issues.

6.1.5. CDP5.3

It is an objective of the Development Plan:

- a) To encourage the reuse of upper floors above commercial premises for residential accommodation;
- b) To promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses;
- c) To encourage the development of new residential accommodation in or adjoining town centres and to ensure that such developments provide a range of accommodation types and tenures and a high level of residential amenity;
- d) To support the procurement of vacant town centre residential property by Clare County Council to ensure its continued use for residential purposes into the future; and
- e) To support opportunities for the delivery of serviced sites for housing within towns and villages.

6.1.6. CDP9.14 Urban Tourism

It is an objective of Clare County Council: To improve the visual appearance of towns and villages, protect their character and maximise their tourism potential by the continuation of environmental and public realm programmes, design management and improvement of identified derelict sites.

6.1.7. Section 7.1 Strategic Aims

To achieve the beneficial reuse of vacant, derelict or under-utilised sites, particularly the identified Opportunity Sites.

6.1.8. Section 17.2.10 'Derelict Sites'

A Derelict Site is 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 lands in question. Derelict sites throughout the County are listed in the Derelict Sites Register. The Council recognises that derelict sites are damaging to the environmental and visual quality and amenity value of the areas in which they are located and that their improvement/upgrade is desirable. The Planning Authority will encourage the reuse of existing derelict sites where this will result in positive environmental, visual and amenity benefits for the town/village and will seek, where possible, to provide the framework within which improvement can take place.

6.1.9. CDP17.10

It is an objective of Clare County Council:

- (a) To use all mechanisms available to it as appropriate and to work with Derelict Site owners to identify opportunities to bring derelict sites back in to use;
- (b) To use the Derelict Sites Act 1990 where appropriate to require owners of derelict property to carry out suitable improvements, and to implement the provisions of the Act to prevent or remove injury to amenity arising from derelict sites;
- (c) To prepare improvement plans and design briefs for larger derelict areas incorporating an Invasive Alien Species Management Plan if deemed necessary; and
- (d) To seek to acquire properties which are appropriate to the Council's Capital Programme in order to carry out improvements to derelict sites and revitalise the surrounding areas in compliance with the objectives and requirements of the Habitats Directive and in a manner which protects other sites or habitats of national, regional or local importance.

6.2. Derelict Sites Act 1990 (as amended)

- 6.2.1. 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.
- 6.2.2. 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.”
- 6.2.3. 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.
- 6.2.4. Section 9 of the Act 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.
- 6.2.5. Section 10 of the Act 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.
- 6.2.6. Section 11 of the Act enables Local Authorities to serve 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.

- 6.2.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.2.8. Section 15 of the Act sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.
- 6.2.9. Section 16 of the Act sets out 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.

7.0 **Assessment of Issues**

7.1. Request for Oral Hearing

- 7.1.1. The objector, Kashif Tanveer Ahmad, in their submission to the Local Authority, requested an oral hearing to further address the scope of the remedial works. By Order dated 13th April 2026, the Commission decided that the holding of an oral hearing was not warranted in this instance.

7.2. Site Inspection

- 7.2.1. Internal access to the property was not possible on the date of my site inspection on 23rd March 2026, however I was able to view the site from the public road.

The properties were vacant and appear to have been vacant for a considerable period. The eastern property, the larger of the two structures has a neglected, unsightly and objectionable appearance from the public road and the surrounding area.

- 7.2.2. My observations of the site on the date of the inspection include the following;

Eastern Building (Painted dark green)

- The paintwork above the shopfront area is unfinished.
- The plaster work to the front façade within the pilasters while painted is unfinished.
- The plaster work where the structure meets the footpath is eroding and chipping off.
- An arched doorway and window boarded up.

- The visible window has remnants of posters stuck to it.
- The boarding of the arched doorway has old torn posters attached to it in addition to faded spray painting.
- The timber gate to the archway to the east of the property is shut with a makeshift timber batten.
- The timber of the gateway and the boarding of the arched doorway to the west is rotten at the ground level.
- The door to the upper level is boarded up with steel.
- The external blockwork to the surrounds of each of the opes is exposed and visible.
- The outer leaf of the lower section of the bay window at first floor level is missing and the paint work on the upper portion is flaking.
- The guttering to the east side of the building is broken above the eastern pilaster. This is the only visible gutter on the front elevation of the building.
- There is loose wire hanging to the west side of the building.

Western Building (Painted light green)

- All windows and doors boarded up with mock window template.
- Piece of window ope missing from the centre window at first floor level.
- Open gutter to the east side of the eaves and resultant water marks on the façade of the building.
- Gutter on the western side of the building corroding.
- Discolouration of paintwork on the western side of the building between the ground and first floor level.
- Paintwork cracking and chipping where the building meets the ground level of the footpath.
- Eastern side of made up front wall open on the inside of the eaves under the roof.

7.2.3. The properties occupy a prominent location on the northern side of Main Street by virtue of the elevated natured and curved alignment of the road. The unsightly condition and poor maintenance of the sites detract from the character of the area. While I acknowledge that there are several vacant buildings within proximity to the subject site, the buildings within the general area appear well maintained.

The sites are also located within the dedicated town centre area and an Architectural Conservation Area.

The Development Plan recognises that derelict sites are damaging to the environmental and visual quality and amenity value of the areas in which they are located and that their improvement/upgrade is desirable.

7.3. Category of Dereliction

7.3.1. I note the Local Authority considered that the property and lands fall under Category (a) and (b) of Section 3 of the Derelict Sites Act 1990, as amended.

7.3.2. In respect of the easternmost building by virtue boarded up windows and doors, windows in a state of disrepair, exposed blockwork to the window and door surrounds, unfinished plastering and cracking of same at the ground level, ineffective guttering and loose wires which I submit meet the requirements of Category (a) and (b).

7.3.3. The westernmost building while completed boarded up was made structurally safe by Clare County Council in November 2021 at a cost to Clare County Council and in my opinion would meet the requirements of category (b).

7.3.4. Based on my site visit, it is my view that the subject structures remain in a neglected, unsightly and objectionable condition. I therefore consider that the site falls under Category (a) and (b) of Section 3 of the Derelict Site Act 1990, as amended.

7.3.5. Having regard to the contained nature of the sites as they present to the street, there was no visible evidence of littering.

7.4. Action of Local Authority

7.4.1. From review of the documentation on the file, I note that dereliction has been an issue at the subject property for some time. In February 2021 a notice was served to the owner, Mark Freeman to attend to concerns in order to avoid the service of a Statutory Notice under Section 3 of the Local Government (Sanitary Services) Act, 1964 as amended (Dangerous Structures Notice). I note that the map attached to this

correspondence related to the westernmost building. A notice under Section 3(1)(a) of the Local Government (Sanitary Services) Act, 1964 (as amended) was served on Mark Freeman on 1st April 2021.

- 7.4.2. A report dated 2nd December 2021 in relation to the easternmost building sets out that the owner did not undertake any work on the adjoining building to the west and the Council had to undertake such works. The eastern building remained in a derelict state. A letter issued (2nd December 2021) to the owner, Mark Freeman, offering an opportunity to discuss proposals with the Local Authority for improving the condition of the property and the timeframe for same prior to the Council taking any action under the Derelict Sites Act 1990.
- 7.4.3. No response was received to this letter and it was recommended that a notice under Section 8(2) of the Derelict Sites Act 1990 be served.
- 7.4.4. I note that the maps associated with the Section 8(2) and Section 8(7) notices include for the two adjoining properties.
- 7.4.5. I note the actions of the Local Authority and the statutory notices served upon the reputed owners. Section 8(2) notices were served on Mark Freeman on the 1st of February 2022 advising of the Local Authority's intention to enter the sites on the Derelict Site Register. Section 8(7) notices were subsequently served on Mark Freeman on the 29th of March 2022, advising the owner that the site had been entered on the Derelict Sites Register. I note that the letter dated 5th October 2022 from Clare County Council refers to correspondence from Mark Freeman to state that the property is registered in the name of TSM Ventures Ltd. The report from Clare County Council received by An Coimisiun Pleanala on 12th November 2025 sets out that in April 2022 Mark Freeman was the secretary for TSM Ventures Ltd. I also refer to the letter dated 7th October 2025 from Mark Freeman, to Clare County Council which is signed, Director of TSM Ventures Ltd.
- 7.4.6. A notice under Section 22(3) of the Derelict Sites Act 1990 was served on the owner of the property on 23rd October 2024 advising of the market value of the property and the right of the owner to appeal.
- 7.4.7. A Section 22(3) Notice of Determination of Market Value was issued to the owner on 12th March 2025.

- 7.4.8. By letter dated 17th April 2025, Clare County Council issued an invoice to the owner for the derelict sites levy for the calendar year 2025. The letter also noted that although the property was on the Derelict Sites Register since 1st January 2023 and liable for the levy for the calendar years 2023, 2024 and 2025, the levy was only being applied for 2025. The letter advised of the entitlement of the Council to apply monthly interest on derelict site levies that are not paid within two months of receipt of invoice.
- 7.4.9. Following site inspections on 24th July 2025 and 6th August 2025, a report dated 9th September 2025, it was considered that the site remains derelict and notwithstanding the attempts to engage with the owner, it was recommended that the Council exercise its powers under Section 14 of the Derelict Sites Act, 1990 as amended to compulsorily acquire the property.
- 7.4.10. A Section 15(1) notice was published in the Clare Champion on 12th September 2025 advising of the Local Authority's intention to acquire the site compulsorily.
- 7.4.11. 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.
- 7.4.12. I note that Local Authorities have a duty (under Section 10) "to take all reasonable steps (including the exercise of any appropriate powers) to ensure that any such land does not become / continue to be a derelict site". As outlined in the report of the Local Authority, Clare County Council have demonstrated active and consistent engagement with the owners since 2021 in relation to the derelict state of the property. It is evident that Clare County Council have attempted to address the issue of dereliction of the property over a considerable period of time. Having regard to the foregoing, I am satisfied that the efforts of the Local Authority has been fair and reasonable.

7.5. Compliance with the Development Plan

- 7.5.1. I note that the Clare County Development Plan 2023-2029, specifically Objectives CDP5.3, CDP 9.14 and CDP 17.10 seek to address instances of dereliction and decay, to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse. The Council recognises active land management and the use of all mechanisms available to them in addition to the Derelict Sites Act 1990.

7.5.2. The property has been in a derelict state for a number of years. I consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the proposed compulsory acquisition for the property would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to remain in a derelict condition.

7.6. Action of the Owner to Address Dereliction

7.6.1. I note that on foot of the first notices sent to the owner in February 2021, the owner failed to carry out the works required to be undertaken by Clare County Council. The western building was made safe by the Local Authority.

7.6.2. As per the report of the Local Authority dated 9th September 2025, limited action has been taken by the owner to render the site non-derelict save for some painting.

7.6.3. Planning permission was granted in 2024 for a redevelopment of the site and despite engagement of the owner setting out that works would be undertaken to render the property non-derelict in addition that the owner would submit a breakdown of works and associated costs to Clare County Council. The Local Authority advise that it has not been in receipt of this.

7.6.4. Additional site visits undertaken by the Local Authority confirmed that the property continues to be derelict

7.6.5. Following the issuance of the Section 15(1) notice on the 12th of September 2025, Clare County Council received two submissions, one was titled as being an 'Objection'.

7.6.6. Both submissions were dated 7th October 2025 but received by Clare County Council on the 14th of October. I note that this is one day outside of the stated period for objection.

7.6.7. One submission made by the original reputed owner states that the property located at Main Street, Tulla (V95VH32) is no longer in the ownership of the company (TSM Ventures). The letter stated that the current owners are informed and would respond accordingly.

- 7.6.8. The grounds of the objection made by OuterLimit Investments Limited include lack of adequate notice and states that Outerlimit Investments Limited received no notice of the intended CPO.
- 7.6.9. It is set out that where procedural requirements have not been satisfied the CPO should be considered invalid.
- 7.6.10. I note that the Local Authority responded to each of these letters to afford both parties an opportunity to provide further information in respect of details of transfer of ownership for the purposes of clarity.
- 7.6.11. The Local Authority set out that at the time of writing of the report, no response has been received from either party in relation to the transfer of ownership details sought. I note that notwithstanding this issue of change of ownership, the properties have been on the Derelict Sites Register since March 2022. In 2024, TSM Ventures Ltd were identified as the owners of the property under PA Ref 2460041, with the directors of the company stated to be Kashif Tanveer Ahmad and Andrew James Freeman. I also note that the Kashif Tanveer Ahmad is the director of the company Outerlimit Investments Ltd who objected to the subject CPO.
- 7.6.12. A further submission from Clare County Council was received by An Coimisiun Pleanala on 11th February 2026. This states that the company TSM Ventures Ltd have been deemed to be 'Strike off Listed', meaning that the company has been scheduled to be removed from the official register of companies and will cease to have effect. It is stated however that TSM Ventures Ltd. remain the owners of the property as per Land Direct and there is no dealing number pending.
- 7.6.13. In this regard, if TSM Ventures Ltd remain as the owners of the site and with no further correspondence from Outerlimit Investments Limited to prove or contest ownership, I would query the validity of the legal interest of this company to make an objection under Section 16 of the Derelict Sites Act 1990.
- 7.6.14. Based on my observations of the property, Clare County Council are stated to have undertaken substantial works to make the western property safe, no substantive works have taken place to the subject property to render them non-derelict and it remains that the continuing dereliction of the properties is having a significant adverse effect on the amenities and appearance of the area. 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”. It is now approximately five years since the derelict condition of the property came to the Local Authority’s attention and approximately four years since Section 8 Notices were served. It has also been approximately 6.5 months since the Local Authority served the Section 15 notice of intention to acquire the site compulsorily. I also note that while levies were due for the years 2023, 2024 and 2025, the Local Authority were only applying the levy for the year 2025.

7.6.15. 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. I therefore consider that the site remains in a derelict condition. I note that permission was granted in May 2024 for the redevelopment of the site which if implemented would address the dereliction in a timely manner. I also note that the letter submitted to Clare County Council from Outerlimit Investments Limited dated 7th October 2025 set out the redevelopment being in the medium to long term.

7.6.16. I consider that Clare County Council have spent considerable time and effort attempting to address the condition of these properties.

7.6.17. Therefore, having regard to all of the information available on the file, the lack of further engagement with the previous and current stated owners in respect of the details of transfer and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authority’s application for consent to compulsorily acquire the properties at Main Street, Tulla, Co. Clare be confirmed.

8.0 Conclusion

8.1. I am satisfied that the process and procedures undertaken by Clare County Council have been fair and reasonable, that the Local Authority has demonstrated that the lands are both necessary and suitable to ensure that the lands do not continue to be a derelict site.

8.2. Having regard to the Constitutional and Convention Protection afforded to property rights, I consider that the proposed acquisition of the Derelict Sites comprising two

derelict adjacent two storey properties and surrounding site at Main Street, Tulla, Co. Clare, containing 0.126 hectares, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 12th September 2025 and on map reference number 2021-05-01, pursues, and 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.

- 8.3. I am 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 as such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.4. The effects of the proposed compulsory acquisition on the rights of the affected landowner(s) 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 Clare County Development Plan 2023-2029 and specifically Section 4.2.2, 5.2.2, Section 7.1, Section 17.2.10, CDP5.3, CDP 9.14, CDP17.1 and CDP 17.10.

Accordingly, I am satisfied that the confirmation of the proposed compulsory acquisition is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1. Having regard to the observed condition of the subject site, in particular the neglected, unsightly and objectionable state of the structures, I consider that the site materially detracts from the amenity, character and appearance of the land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.
- 9.2. 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 Clare County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

10.1. Having regard to the neglected, unsightly and objectionable state of the land, 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 Clare County Development Plan 2023-2029,

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 (a) and (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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Carol Hurley
Planning Inspector

15th April 2026