



An
Coimisiún
Pleanála

Inspector's Report

ACP-323878-25

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	No. 1 Erin Street, Kilkee, Co. Clare
Planning Authority	Clare County Council
Notice Party	Patrick Halpin c/o Norths Property
Date of Site Inspection	23 rd March 2026.
Inspector	Carol Hurley

1.0 Introduction

- 1.1. 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 No. 1 Erin Street, Kilkee, 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 at No. 1 Erin Street, Kilkee, Co. Clare. Kilkee is a small town which has an emphasis on tourism. The town is a popular, well established Victorian seaside resort situated on the Wild Atlantic Way.
- 2.2. The site has a stated area of 0.135 acres (0.055 hectares). The existing building addresses Erin street with an eastern orientation but given the corner site location at the end of the terrace, the site also has a southern orientation onto the adjoining lane.
- 2.3. The existing building is in a dilapidated state with windows and doors boarded up. The area to the south of the building where the single storey element once stood is in disrepair.
- 2.4. I observed the building as being in a neglected state.
- 2.5. On the eastern elevation which addresses Erin Street, all of the window and door opes were boarded up. There is damage to the surround of the door ope on the southern side of the eastern elevation. There is a series of cracks above the ground floor door ope to the southern side of the eastern elevation which extends into the decorative plaster reveal to the ope. There is water damage to the first-floor window on the southern side of the eastern elevation. The plaster/paint was in a significant state of decay with peeling and discolouration.
- 2.6. Quoins on the southern corner of the building are missing or broken. There is evidence of vegetation between the top of the front wall (east elevation) of the building and the guttering.
- 2.7. The weld mesh gate is broken and held in place with tie wraps and a stone in an ad hoc manner. The paint on the boundary wall is chipped and discoloured.

- 2.8. All of the opes on the southern side of the building are boarded up. The plaster / paint is in a complete state of disrepair. Where the single storey building has been demolished, the connection with the southern elevation of the building has not been remediated. Partial wall stands remain of this structure.
- 2.9. The decorative plaster finishes above the first-floor windows on the western side of the southern elevation are discoloured, likely arising from water damage from the gutters.
- 2.10. The eastern end of the guttering on the southern elevation of the pitched roof profile is not connected to a down pipe.
- 2.11. The window on the western elevation is boarded up. The paintwork is in disrepair and the upper section of the wall within the apex of the roof profile is unpainted.
- The rear roof slope of the main structure appears to sag in the centre.
- The area around the building within the curtilage is unkept with the presence of rubble and there were wheelie bins and a traffic cone within the site.
- 2.12. The subject site is located within an Architectural Conservation Area but is not a Protected Structure and is not listed on the National Inventory of Architectural Heritage (NIAH).
- 2.13. Kilkee Beach is situated c. 41m to the west of the site and is accessed off Strand Line. Erin Street runs parallel to Strand Line which addresses the beach. The site is c. 33m to the north of the junction of Erin Street with O'Connell Street.
- 2.14. The area to the north, northeast and southeast are primarily residential in nature. The Stella Maris Hotel is located to the immediate south of the subject site which has dual frontage to Erin Street and O'Connell Street.
- 2.15. The area around O'Curry Street to southwest is the primary area of restaurants and coffee shops. Strand Line which has a western orientation addressing Kilkee Beach is primarily residential.

3.0 Application for Consent of Acquisition

- 3.1. Clare County Council has applied to An Coimisiun Pleanala for consent to compulsorily acquire the site under Section 14 of the Derelict Sites Act, 1990, as amended.
- 3.2. I note that this application is subsequent to the serving of notices under Section 8(2) of the Derelict Sites Act 1990 on Elektron Holdings c/o Geraldine Hayes, Kilrush, Co.Clare and Elektron Holdings c/o of Patrick Halpin Floor 5, Marine House, Clanwilliam Court, Clanwilliam Place, Dublin 2 on 10th March 2014, with a further Section 8(2) notice being served on Geraldine Hayes, Doonbeg, Co. Clare and Patrick Halpin, Aberdeen Lodge, 53-55 Park Avenue, Ballsbridge, Dublin 4 on 2nd July 2014 and additional Section 8(2) notice being served on ‘The Owner’ under Section 6(1) (b) of the Derelict Site Act 1990 on 1st March 2024 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 Patrick Halpin, Aberdeen Lodge, 53-55 Park Avenue, Ballsbridge, Dublin 4 and on Geraldine Hayes, Doonbeg, Kilrush, Co.Clare on the 29th March 2016, and additional Section 8(7) notice being served on ‘The Owner’ under Section 6(1)(b) of the Derelict Site Act 1990 on 16th May 2024 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 sent by registered post to Mr. Patrick Halpin c/o Norths Property on 2nd October 2025 and published in the Clare Champion on the 3rd October 2025. The site was described as follows in the notice;

“Two storey end of terrace building and surrounding site”

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

An objection to the proposed acquisition was submitted to Clare County Council by Ross Shorten, Norths Property acting as Property Consultants for Mr. Patrick Halpin in a letter dated 29th October 2025, received by Clare County Council on 30th October 2025 (date stamp).

The objection can be summarised as follows;

- Contends that Clare County Council do not appreciate that during the years 2012 to February 2024, Patrick Halpin was not the 'owner' of No. 1 Erin Street. He did not meet the definition of owner as defined in the Derelict Sites Act 1990. The property was in the hands of receivers and he had no legal right of possession.
- Lack of understanding of the title, ownership and receivership situation by Clare County Council has unfairly held Patrick Halpin solely responsible for the deterioration in appearance of the property from 2012 to date.
- Interactions with Clare County Council have caused Patrick Halpin distress over the years especially since he only became aware that he had possession in June 2024 and was then served a CPO. Following the decision by ABP not to approve the CPO, the property was placed on the Derelict Sites Register and now Mr. Halpin is faced with another CPO procedure.
- Mr. Halpin is of the view that this lack of understanding has brought about bias against him which is manifested in the unreasonable decision by Clare County Council to recommence the CPO process.
- It is set out the Mr. Halpin has improved the appearance of No. 1 Erin Street since last winters storms and that the property is not in a ruinous or dangerous condition and is disused rather than incapable of use.
- Contends that he has not been afforded adequate opportunity to plan for the refurbishment or redevelopment of No. 1 Erin Street during the 6 months since the ABP decision against the making of the CPO.
- Contends that 6 months is a completely unacceptable time period to be allowed to consider all the restoration and redevelopment options. The recommencement of the CPO process is premature.

- Mr. Halpin has not enjoyed good health over the past several years and hopes to be in a position to make renewed commitments in respect of the refurbishment of No. 1 Erin Street in the coming months.
- Contends that the grounds set out should be considered sufficient to enable the cancellation of the proposed CPO and for new engagements between the parties to take place.

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 18th November 2025 and was accompanied by the following;

- Local Authority Compulsory Acquisition Report which sets out the location of the derelict site, details of actions that have been taken on the property from (2014-2025), history of the site including planning history and the previous proposed CPO, Title and Debt on the property and details in relation to the current decision to CPO the property.
- Derelict Site Location Map.
- Photographs of the site
- Copies of notice served upon owners/occupiers of the site dated 2nd October 2025.
- Copy of the newspaper notice The Clare Champion dated 3rd July 2025.
- Reports of the Planning Authority following the decision of ABP-320993-24.
- Reports of the Planning Authority prior to the decision of ABP-320993-24
- Copies of notices served upon owner/occupiers of the site, reports of the Planning Authority and correspondence between same prior to the decision of ABP-320993-24.

4.3.2. The derelict site report can be summarised as follows;

- Kilkee is a very busy tourist town, particularly during the summer.

- Clare County Council has done significant work to promote the town for such purposes.
- Buildings such as the subject building greatly detract from the character of the town.
- Notes the objective in the Development Plan that seeks to take measures to deal with dereliction in the towns, villages and rural areas.

2014-2018 (summary of actions taken on the property as a Derelict Site)

- A Derelict Sites file was opened on the property in 2014. Elektron Holdings were believed to be the owners of the site. A receiver had been appointed to the company in 2013.
- Section 8(2) Notice and cover letter issued to Elektron Holdings c/o Geraldine Hayes, Co. Clare and Elektron Holdings c/o Patrick Halpin, Dublin. Both notices were sent via Registered Post and subsequently returned.
- Section 8(2) Notice and cover letter issued to Geraldine Hayes, Doonbeg, Kilrush, Co. Clare and Patrick Halpin, Aberdeen Lodge, Ballsbridge, Dublin.
- On 23rd July 2014, Patrick Halpin advised Clare County Council of an ongoing legal issue with the property and he was awaiting a decision from the High Court. Mr. Halpin was requested to make a written submission as required by the Section 8(2) notice but no submission was received by the local authority.
- On 5th August 2014 a follow up letter was sent to Mr. Halpin setting out the works that were required to be undertaken and requested a written reply within seven days to confirm that the works would be undertaken by the end of September 2014. No reply was received.
- On 29th March 2016 a Section 11 Notice and Section 8(7) Notice were issued by registered post to Geraldine Hayes, Doonbeg, Co Clare and Patrick Halpin, Aberdeen Lodge.
- Subsequent site visits and reports were undertaken by the local authority in February 2017 and June 2018 noting the deterioration of the property and safety concerns.

- On the 22nd June 2018 a Section 11 Notice was issued to Kieran Wallace, KPMG, Irish Bank Resolution Corporation and Mr. Richardson KPMG as it was understood that the company was in receivership.
- On 27th June 2018, a further Section 11 Notice was issued to Kenmare Property Finance as it was understood by the local authority that they had taken over the loan.

2015 -2020 (summary of actions taken on the property as a Dangerous Structure)

- Inspection of the property by the Building Control Unit of the local authority in 2015.
- In October 2016 arrangements were made to board up the windows opening at first floor level and the door at ground floor level as there was glass falling onto the public footpath. This was undertaken by the local authority.
- Title searches conducted in 2016 – references to liquidation and involvement with Irish Bank Resolution Corporation in addition to a transfer of mortgage from IBRC to Kenmare Property Finance.
- In 2018, following service of notices on various parties, a reply was received from solicitors acting on behalf of Mr. Halpin to state that Mr. Halpin had no access to the property as it is tied up in extensive litigation. At the time Mr. Halpin did own No. 2, the adjoining property but this was subsequently sold by a receiver.
- Recommendations subsequently made by the Chief Fire Officer setting out the works required to prevent the property from being a dangerous structure.
- The local authority engaged with Mr. Halpin in June 2019 to advise that the local authority would be undertaking the works and the request for the key. Mr. Halpin stated he did not have the key as he had no involvement in the property and that it was with Kenmare Properties.
- Report on the condition of the property was prepared by P. Coleman and Associates commissioned by the Building Control Officer of the local authority.

- Several Section 3 notices were served upon Mr. Halpin requiring works to be undertaken.
- On 20th November 2020, Mr. Halpin requested more time from the local authority to explore his rights and ascertain if he may be in a position to undertake the works himself. Mr. Halpin stated that he was in communication with his solicitor who was trying to find out where he stood with the property. Concern was expressed by the Building Control Officer as no timelines were being offered by the reputed owner and due to the high risk of the building, that the work would proceed as planned by the Local Authority.
- A series of communications ensued between the reputed owner and the local authority which ranged from the reputed owner stating that he had contractors to assess the building and would oversee himself to further correspondence from an Elected Member on behalf of the reputed owner who was unsure why the notice was served upon him as the building is owned by a mortgage company and the reputed owner does not have the money to pay for the works.
- The works were undertaken by Clare County Council (commenced on 23rd November 2020) as no action was taken by the reputed owner or any financial institution. A bill for €49,956.83 was issued to the reputed owner on 24th September 2021 and remains outstanding.

2020-2024 (summary of actions taken on the property as a Derelict Site)

- File review undertaken in June 2020, although the building was no longer dangerous, it was boarded up and the garden overgrown making the entire site derelict.
- Report and site visit undertaken in January 2024, the property was considered derelict within the definition of the Act. A file review was conducted with an emphasis on ownership.
- Following correspondence with Receiver Paul McCann of Grant Thornton, a letter was received by the local authority to state that Grant Thornton were

not receivers over the property in Kilkee. It was also established that Elektron Holdings were no longer in receivership.

- As no owner had been established, the local authority decided to erect the Section 8(2) notice on the site at No. 1 Erin Street, Kilkee, on the 1st March 2024.
- A site inspection was undertaken on 4th April 2024 and the notice had been removed.
- A Section 8(7) notice was erected on the site on 16th May 2024 with a site inspection on 22nd May 2024 confirming this notice had also been removed. It is noted that while the property had been entered onto the Derelict Site Register in 2016, this effectively renewed that entry on the register.
- Prior to the local authority making a decision to compulsorily acquire the property, in June 2024, further research was undertaken in relation to potential interest in the property and letters were issued on 5th June 2024 to Mr. Halpin (no reply received), Ms. Keane (no reply received), the Secretary, Elektron Holdings (returned) and Paul McCann, Grant Thornton. The response from Grant Thornton stated that Paul McCann did not have an interest in the property in Kilkee and that the receivership over the adjacent Halpins Hotel was discharged in December 2017.
- On 23rd July 2024, a report was prepared by the local authority.
- Public Notices were published in the Clare Champion and Irish Independent newspapers on 8th August 2024 with CPO notice and map erected on the property on 9th August 2024.
- As an objection to the CPO was received, this proposal was referred to the then An Bord Pleanála, ABP-320993-24. ABP decided to refuse consent to the compulsory acquisition of the property.

March 2025-October 2025

- Following the decision of the then An Bord Pleanála, the local authority have continued to monitor the matter and to ascertain whether the time bound commitments made by the owner were adhered to and that site would be rendered non-derelict.

- Site visit was undertaken on 21st March 2025 which determined that no significant works have been carried out by the owner to improve the condition of the property.
- On the 1st of April 2025, the local authority engaged with Ross Shorten of Norths Property which acted for the reputed owner, Mr. Halpin in relation to the commitments made to the then An Bord Pleanála, including evidence of title and pre-planning details.
- On the 1st of April 2025, the local authority wrote to Carly and Associates Solicitors who acted for Mr. Halpin in the submission to ABP. The purpose of the correspondence was to confirm the nature of the title to the property held by Mr. Halpin. To date no reply has been received to this letter.
- On the 9th April 2025, a letter was received from Norths Property which set out, an earlier decision was expected from An Bord Pleanála, following storm Eowyn extensive roof repairs were undertaken and no pre-planning was undertaken due to the delays with ABP. An architect has been consulted and anticipated that draft plans would be submitted to the Local Authority by May 2025.

This response did not address ownership.

- A letter dated 8th April 2025 was sent to Norths Property acknowledging the commitment for pre-planning and again evidence of title was sought.

The letter set out that arrangements were being made to value the property for the purposes of the Derelict Site Levy.

- Site visit undertaken on 25th April 2025, the property was still derelict.
- Letter dated 28th April 2025 from the local authority to Norths Property seeking to confirm that they are authorised to accept correspondence on behalf of Mr. Halpin, to which the Planning Authority indicate confirmation was received by email. (I note that this email was not on the file).
- 29th April 2025, Section 22 (3) Notice of Valuation was served on Patrick Halpin c/o Norths Property by registered and ordinary post. A copy of this letter was also sent to Carly Solicitors.

- 12th May 2025 – letter received by the local authority from Norths Property setting out two phases of works to be undertaken by Mr. Halpin. Phase 1 related to removal of window/door boarding, repainting, roof slates, architectural features. This phase would be completed by the end of September 2025.

Phase 2 related to interior work over a period of 12-18 months.

This letter requested that the levy would not be imposed at this time as this would affect the ability to undertake the phase 1 works.

- 13th May 2025 – letter from the local authority to Norths Property acknowledging proposals but recognising they were different to that set out to the then ABP and that further information would be required. This included a time period for when works to the curtilage of the building would take place, date of commencement of the works and evidence of title.

It was advised that the Derelict Site Levy for 2025 would issue.

- 27th May 2025 – letter received from Norths Property to state Mr. Halpin was in the process of obtaining quotations but had no start date.

No information regarding title was provided.

- 28th May 2025 – letter from the local authority to state that without a start date it would be unlikely that works within Phase one would be completed by the end of September 2025.

- 4th June 2025 – Derelict Sites Levy issued to Mr. Halpin c/o Norths Property.

- 11th July 2025 – site inspection undertaken, no significant works had been carried out and the property was still derelict. The local authority also confirmed that no pre-planning submission had been lodged.

- 21st August 2025 – subsequent site visit undertaken and the property remained the same.

- The property does not have a folio title.

- Extensive research of ownership has been undertaken over the years by the local Authority. It is submitted that no actual instruments were requested

from the Registry of Deeds as it is stated that the local authority would not have permission to do this.

- The local authority have requested details of ownership several times and to date no evidence of ownership of the property has been provided.
- The local authority contend that Mr. Halpin has not provided sufficient documentary evidence to confirm that he meets the definition of owner as per Section 152 (2) of the Derelict Sites Act, 1990, as amended.
- Second recommendation by the local authority to compulsorily acquire the property made in September 2025.
- Notice of intention to acquire this property was published in the Clare Champion on 3rd October 2025. This notice was also issued by registered post to Mr. Halpin c/o Norths Property on 2nd October 2025.
- An objection to the CPO was received by the local authority on 29th October 2025. (this is summarised in Section 4.4 below)
- The report refers to the policy at national level on returning derelict properties to active use.
- The report refers to Section 9 of the Derelict Sites Act which places a duty on the owner to ensure that the land does not become or does not continue to be a derelict site. It is contended that the owner has failed in this duty. Notwithstanding the claim by the reputed owner that he only became the owner in 2024, but no documentary evidence to confirm this, there was sufficient opportunity to plan for the redevelopment or place the property on the market.

4.4. Objectors Submission

4.4.1. An objection to the proposed compulsory acquisition order from Norths Property on behalf of Patrick Halpin was received by An Coimisiun Pleanala on 10th December 2025. The submission can be summarised as follows;

- Mr. Halpin wishes to refurbish No. 1 Erin Street, Kilkee as a family residence.

- Mr. Halpin was born and raised in Kilkee and both himself, his wife and his children have close family ties to the County.
- Mr. Halpin owned and operated the adjoining former Halpins Hotel.
- Mr. Halpin has not enjoyed good health for c. 6 years and feels able to commence this project during 2026 and is looking forward to keeping this as a family base for the future.
- He acknowledges that his past commitments to Clare County Council have not yet reached implementation stage and wishes to make renewed commitments to making No. 1 Erin Street a family residence during 2026.
- Contends that No.1 Erin Street is not in a ruinous or dangerous condition and is disused rather than incapable of use.
- Extensive repairs were conducted following considerable damage caused Storm Eowyn in 2025. These works have ensured that the property does not deteriorate further during the Winter storms to come.
- It was previously advised that interactions with Clare County Council has caused Mr. Halpin distress over the years, especially since he only became aware that he had possession again of No. 1 Erin Street in June 2024 and was then served with a CPO.
- Contends that he has not been afforded adequate opportunity to plan for the refurbishment or redevelopment of No. 1 Erin Street during the six months since the ABP decision against the making of the CPO was issued.
- Believes that Clare County Council do not appreciate that during the years 2012-2024 Mr. Halpin was not the owner of No. 1 Erin Street and that he did not meet the definition of owner as defined in the Derelict Sites Act 1990. The property was in the hands of receivers, and he had no legal right to possession.
- The lack of understanding of the title, ownership and the receivership situation by Clare County Council has held him solely responsible for the deterioration in appearance of the property from 2012 to date.
- It is believed that the grounds set out are sufficient to enable the cancellation of the proposed new CPO.

5.0 Planning History

ABP-320993-24 – Refuse consent to the compulsory acquisition of the site, at No.1 Erin Street, Kilkee, Co. Clare.

The reasons set out that notwithstanding the then considered derelict, neglected, unsightly and objectionable condition of the subject site, which detracts to a material degree from the amenity, character and appearance of the land in the neighbourhood, having regard to the recent change in ownership or possession of the subject site, of the owners intention to apply for planning permission for the redevelopment of the property, the Board decided that it would be appropriate and reasonable to provide some further time for the owner to bring the site out of dereliction and for that reason it was appropriate to refuse consent for the compulsory acquisition of the property.

In reaching the conclusion, the Board noted that the property had only recently been re-entered on the Derelict Sites Register in May 2024, that notice of such entry had been served upon the unnamed owner of the property by posting a notice on the subject site, that no recent notice under Section 11 of the Derelict Sites Act had been issued and that the notice party gave a commitment to take concrete steps to address the current derelict and objectionable condition of the property.

PA Ref P97/1562 – Permission granted to Pat Halpin on 28th October 1998 for alterations and extension to include new bedrooms, reception and public areas at Halpins Hotel, Erin Street, Kilkee, Co. Clare.

PA Ref 042748 – Permission was sought by Elecktron Holdings for development at No. 1 and 2 Erin Street, Kilkee, Co. Clare (Halpins Hotel) to consist of the demolition of No. 1 Erin Street (building to the west of Halpins Hotel) and the construction of an extension and alteration to Halpins Hotel to provide for 25 no. bedrooms, public rooms, courtyard and ancillary development. Permission for this development was originally granted under PA Ref. P97/1562. A request for Further Information was sought on 23rd February 2005. Further Information is stated to have been received on 22nd August 2005 but it does not appear that a final decision was made.

PA Ref 031009 – Permission was sought by Elecktron Holdings for the demolition of No. 1 Erin Street which consists of the adjoining two storey and single storey buildings to the west of Halpins Hotel, the construction of an extension and alterations to the

existing Hotel, to provide 25 additional bedrooms, new public areas, including reception, lounge, bar, meeting room, toilets, courtyard and ancillary development. Permission for this development was originally granted under Planning Reference P97/1562. This application was deemed to be withdrawn.

I note that PA Ref 031009 included the adjoining building to the north however PA Ref 042748 did not include the building to the north.

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. As per the Development Plan, 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.
- 6.1.2. The West Clare Municipal District Settlement Plan recognises the role of Kilkee as an important service centre and tourism resort. There are a number of unused buildings throughout the town centre which provide opportunity for appropriate redevelopment which would assist to further enhance the character of the town.
- 6.1.3. The subject site is located within the designated town centre area and is within Architectural Conservation Area.
- 6.1.4. The following objectives from the County Development Plan are considered relevant;

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.

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.

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.

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.

Section 7.1 Strategic Aims

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

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.

CDP17.1

It is an objective of the Development Plan:

- (a) To support the development of the national “Town Centre First” principle to aid in the development and coordination of regeneration, revitalisation and growth in vibrancy of our towns and villages.
- (b) To carry out public realm enhancement works as well as retail health checks, vacant site and derelict site surveys and other essential research and analysis to inform the actions required to support town and village centre renewal and development projects across County Clare.

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.

West Clare Municipal District Settlement Plans, Section 2, Small Towns

Location and Context

There are a number of unused buildings throughout the town centre which provide opportunity for appropriate redevelopment which would assist to further enhance the character of the town.

General Objectives

- To encourage the further development of the retail, commercial and service sector in the town centre. The redevelopment of existing unused or derelict structures for retail or commercial purposes or for the provision of services will be particularly encouraged especially those sites identified in 'Towards a Better Kilkee'.

Place Making and Regeneration

In this regard, appropriate, sustainable uses need to be found for vacant and key historic buildings. Towards a Better Kilkee - A Town Improvement and Economic Development Strategy 2014-2024 contains guidance for improving the public realm of Kilkee with the aim of safeguarding the existing character of the town centre by permitting development that respects the existing built heritage of the town and Architectural Conservation Area and making provision for appropriate redevelopment and renovation of derelict buildings.

Compact growth and urban regeneration are key requirements of the National Planning Framework (NPF) and Regional Spatial and Economic Strategy (RSES). The Council recognise the importance of active land management in order to aid the

continued regeneration and enhancement of the town and to address any issues of vacancy and dereliction. It is an objective of the Council:

- To work with the owners of vacant, underutilised, and derelict sites/buildings to identify new uses and promote the re-use/redevelopment of these sites/buildings. In this regard, the Council will use its powers as necessary under the Derelict Sites Act 1990 and Housing and Urban Regeneration Act 2015.
- To promote sustainable and compact growth in the town to address issues of vacancy and dereliction. This could include the preparation of a town centre first masterplan as well as the promotion of the Croí Cónaithe (Towns) Fund Scheme to support the reuse/redevelopment of vacant and derelict commercial and residential properties in the town with a focus on getting these back into sustainable use.

Towards a Better Kilkee – A Town Improvement and Economic Development Strategy 2012-2024 (Expired)

Section 2.5 Refers to how Clare County Council deals with derelict sites and is supported by ED 6 which sets out that the Council would carry out for analysis to determine if additional sites were required to be addressed under the derelict sites legislation.

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. Site Inspection

- 7.1.1. 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 and lane to the south (side) and west (rear).

The property was vacant and appears to have been vacant for a considerable period. The property has a neglected, unsightly and objectionable appearance from the public road and the surrounding area.

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

Eastern elevation (Addressing Erin Street)

- All of the window and door opes were boarded up.
- Damage to the surround of the door ope on the southern side of the eastern elevation.
- Series of cracks above the ground floor door ope to the southern side of the eastern elevation which extends into the decorative plaster reveal to the ope.
- Water damage to the first-floor window on the southern side of the eastern elevation.
- Plaster/paint in a significant state of decay with peeling and discolouration.
- Quoins on the southern corner of the building are missing or broken.
- Evidence of vegetation between the top of the front wall of the building and the guttering.
- The weld mesh gate is broken and held in place with tie wraps and a stone in an ad hoc manner.
- Paint on the boundary wall is chipped and discoloured.

Southern Elevation (Addressing the Laneway)

- All of the opes on the southern side of the building are boarded up.
- Plaster / paint is in a complete state of disrepair.
- Where the single storey building has been demolished, the connection with the main side southern elevation of the building has not been remediated.
- Partial wall stands remain of the demolished single storey structure.
- Decorative plaster finishes above the first-floor windows on the western side of the southern elevation are discoloured, likely arising from water damage from the gutters.
- Eastern end of the guttering on the southern elevation of the pitched roof profile is not connected to a down pipe.

Western Elevation (Rear)

- Window on the western elevation is boarded up.
- Paintwork is in disrepair
- Upper section of the wall within the apex of the roof profile is unpainted.
- Rear roof slope of the main structure appears to sag in the centre.

The area around the building within the curtilage is generally unkept and there were wheelie bins and a traffic cone within the site.

7.1.3. The subject site is located within a prominent location within the centre of the tourist area, just off O'Connell Street and immediately proximate to the existing Stella Maris Hotel. Erin Street runs parallel to the Strand Line which addresses the beach.

7.1.4. I note that the surrounding buildings are maintained to a good standard.

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.

7.2. Category of Dereliction

- 7.2.1. 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;
- 7.2.2. Based on my site inspection, it is my view that the subject property and lands may fall within Category (a), (b) and (c) of the Section 3 of the Act, on the basis of the following.
- (a) The structure is in a ruinous, derelict or dangerous condition.
 - (b) The neglected unsightly or objectionable condition of the land and structures on the land in question.
 - (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 statute or by common law.
- 7.2.3. As set out above (section 7.1.2) all of the opes to the property are boarded up, the plaster and paint is discoloured and in a state of substantial decay. There is water damage to the eastern and southern elevation. The demolition of the single storey element which was attached to the side has not been remediated and some partial wall stands remain. I would submit that the property and lands meet the requirements of Category (a) and (b).
- 7.2.4. I acknowledge that Clare County Council did not consider that the property and lands falls under Category (c). I noted the presence of strewn wheelie bins, a traffic cone and remaining rubble resulting from the demolition of the single storey projection and in this regard I would submit that the site meets the requirements of Category (c).
- 7.2.5. Based on my site visit, it is my view that the subject structure and lands remain in a neglected, unsightly and objectionable condition. I particularly note that the subject property is located within a prominent location within the seaside tourist town, is within an Architectural Conservation Area and is alongside buildings which are for the most part attractive and well maintained.

- 7.2.6. I therefore consider that the property demonstrably detracts from the amenity, character and appearance of land in the vicinity of the site falls under Category (a), (b) and (c) of Section 3 of the Derelict Site Act 1990, as amended.
- 7.3. Action of Local Authority
- 7.3.1. The Compulsory Acquisition Report of the Local Authority submitted with the application sets out the extensive and active engagement with the reputed landowners since 2014.
- 7.3.2. I note that the initial Section 8(2) notice was served on the reputed owner in March 2014 and the subsequent Section 8(7) and Section 11 notices served in July 2014. Further Section 11 and Section 8(7) notice was served upon the reputed owners on the 29th March 2016.
- 7.3.3. In 2024, Clare County Council revisited the site and given the ambiguity regarding ownership issues, served the Section 8(2) and Section 8(7) and the Notices of Intention to Acquire Derelict Site Compulsorily on the building itself.
- 7.3.4. I note that this is the second attempt by Clare County Council to compulsorily acquire the subject property.
- 7.3.5. I note that the Section 22(3) 'Notice of Determination of Market Value (sent on the 29th April 2025) and the invoice for the Derelict Site Levy (sent on the 4th June 2025) were all sent to Patrick Halpin c/o of Norths Property.
- 7.3.6. Following the decision to refuse consent to the Compulsory Acquisition of the site on the 18th March 2025, Clare County Council engaged with Carly and Associates Solicitors requesting confirmation of the nature of the title to the property and whether it is owned solely by Mr. Halpin or jointly with any other party. The Local Authority also engaged with Norths Property seeking information regarding evidence of title.
- 7.3.7. Following site inspection on 11th July 2025 and 21st August 2025 by the Local Authority, a report dated 11th September 2025, sets out that despite engagement with the agents acting on behalf of the owner, none of the commitments made within ABP-

320993-24 have been honoured and the site continues to be derelict. 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.

- 7.3.8. On the 2nd October 2025, Clare County Council, served a Notice of Intention to Acquire the Derelict Site Compulsorily under the Derelict Sites Act, 1990, as amended, by registered post, on Mr. Patrick Halpin c/o James H.North and Co. Ltd, t/a Norths Property.

This notice was also published in The Clare Champion on 3rd October 2025.

- 7.3.9. Following the decision of ABP-320993-24, I note that correspondence in relation to the subject site, on this file, was between Clare County Council and Norths Property. I note from the accompanying report of the Local Authority, that on 28th April 2025, confirmation was sought by the local authority from Norths Property that they were authorised to accept correspondence on behalf of Mr. Halpin and this is stated by the Planning Authority to have been confirmed by email.

- 7.3.10. The original objection to Clare County Council was prepared by Norths Property who confirm that Mr. Halpin has given formal instruction to object on his behalf.

- 7.3.11. In this regard I refer to Section 6 (1)(c) of the Derelict Sites Act, 1990, as amended which relates to the Service of Notices and states the following;

(1) Any notice required to be given or served on a person under this Act shall be addressed to the person concerned and shall be given or served on him in one of the following ways:—

(c) by sending it by post in a prepaid registered letter, addressed to him at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address;

- 7.3.12. The letter of objection prepared by Norths Property, sets out that Mr. Halpin was not in ownership of the property between 2012-2024 as it was in control of the receivers. On the basis of this information set out, I would submit that from 2024 onwards Mr. Halpin has been the owner and this has not been disputed by Mr. Halpin.

7.3.13. Having regard to the above, I am satisfied that the Local Authority complied with the requirements of Section 6(1)(c), Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended.

7.3.14. 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 2014 in relation to the derelict state of the property with the property being on the Derelict Site Register since 16th May 2024. 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 have been fair and reasonable.

7.4. Compliance with the Development Plan

7.4.1. 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. I also note that the West Clare Municipal District Settlement Plan, specifically Section 2 ‘Kilkee’ recognises the town as an important service centre and tourism resort but also notes that the town has a number of unused buildings which would provide opportunity for redevelopment which would assist to further enhance the character of the town. It is a General Objective of the Plan to encourage the redevelopment of derelict structures for retail or commercial purposes.

7.4.2. 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.

7.5. Action of the Owner to Address Dereliction

- 7.5.1. I note that owners/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'. From the evidence on file, it is clear that the subject property has been in a derelict, neglected and unsightly condition which detracted considerably from the character and visual amenities of the area at the time that the application to acquire the site was lodged.
- 7.5.2. Clare County Council have spent a considerable amount of time and effort attempting to address the condition of the property.
- 7.5.3. The objection lodged with Clare County Council on 30th October 2025, submits that Mr. Halpin has improved the appearance of No. 1 Erin Street since a storm of last winter. I would contend these works have not been itemised, nor has a photo record been provided for illustrative or comparative purposes.
- 7.5.4. Within the same letter of objection, it is contended that Mr. Halpin has not been afforded adequate opportunity to plan for the refurbishment or redevelopment of No. 1 Erin Street since the decision of the then ABP in March 2025.
- 7.5.5. I do not agree with this contention as I refer to correspondence from Norths Property dated 9th April 2025, following the decision under ABP-320993-24 which confirms Mr. Halpin had at that stage consulted his architect who had commenced a planning and architectural consideration of No. 1 Erin Street with the intention of draft plans being lodged to Clare County Council in May 2025.
- 7.5.6. I also note that correspondence received by Clare County Council from Norths Property dated 12th May 2025 sets out intended Phase 1 and Phase 2 works with it being confirmed that the intention of the works was to render the property non-derelict. The works within Phase 1 were basic remediation works to the property and stated that Mr. Halpin was prepared to commit to Phase 1 works being completed by the end of September 2025. Phase two works were intended to be completed over a period of 12-18 months. To date I note none of these works have been undertaken and at time

of writing this report no information has been provided to demonstrate that a pre-planning submission been lodged with Clare County Council.

- 7.5.7. The objection received states that the applicant now hopes to be in a better position to make renewed commitments in respect of the refurbishment of No. 1 Erin Street in the coming months.
- 7.5.8. I acknowledge hopes of the applicant in this regard, however I would argue that no sound proposals have been set out nor have any timelines been set out.
- 7.5.9. It is c. 12 years since the derelict condition of the property has come to the attention of the Local Authority. The property has been on the Derelict Sites Register since the May 2024. It is c. 8 months from the date of decision of ABP-320993-24 (March 2025) to the date of submission of the subject application to An Coimisiun Pleanala. The decision under ABP-320993-24 recognised the need to afford more time to the reputed owner. Despite the proposals of the reputed owners to undertake works over the course of two phases, having visited the site and being cognisant of the details on the file, I do not consider that there is evidence of any works that have been undertaken or that would be undertaken in the short term that would render the site non-derelict.
- 7.5.10. Having regard to all of the information and the continued appearance and condition of the subject property, it is concluded that the property continues to constitute a derelict site.

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 acquisition of 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 Site comprising of a two storey end of terrace building and surrounding site containing 0.135 acres, as set out

in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 2nd October 2025 and on map reference number 2014-16-01, 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 noted the history on the lands and 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 and the West Clare Municipal District Settlement Plan.

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) (c) 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

20th April 2026