



An
Coimisiún
Pleanála

Inspector's Report ACP-324217-26

Development

Derelict Site at Mian Street,
Castledermot, Co. Kildare.

Location

Main Street, Castledermot, Co. Kildare

Local Authority

Kildare County Council

Notice Parties

Trevor Moore; and, the Estates of
Audrey Dawes & Shirley Kenny

Date of Site Inspection

23rd June 2026

Inspector

Matthew O'Connor

1.0 Introduction

- 1.1. The subject case relates to a request by Kildare County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Main Street, Castledermot, Co. Kildare in accordance with the provisions of the Derelict Sites Act, 1990 (as amended).

2.0 Site Location and Development

- 2.1. The site subject of this application for consent for compulsory acquisition is located on Main Street, Castledermot, Co. Kildare. The subject site fronts onto the R-448 and as per particulars received has a site area of 0.7154 hectares comprising 'two storey properties' and 'surrounding land'. From my observations on the public footpath, the overall site consists of a row of three two storey buildings with three shopfronts and an adjoining triangular parcel of undeveloped lands to the immediate north/northeast. A low-level stone wall fronts the western boundary alongside public footpath and Main Street/R-448. Part of this wall has collapsed and there are mature trees adjacent to the wall. The northern boundary is also walled but and the makeup of the east boundary unclear as it forms the rear curtilage of residential properties and a farmyard which front a local road running parallel to Main Street. The subject buildings are adjoined by a vacant commercial building which forms the junction of Main Street and Keenans Lane. The remaining extent of the southern boundary is unclear as it forms the rear party boundaries with structures on Keenans Lane.
- 2.2. On the day of my site inspection, the buildings were closed and had the appearance of being unoccupied. The gate to the undeveloped parcel of land was also closed and I did not access the land via the hole in the wall given the extent of overgrowth. From my observations on the public footpath and road, I specifically note the following:
- The three two-storey buildings have an unoccupied appearance.
 - The front doors and ground floor window opes boarded-up with plywood and shopfront signage blank and painted over.
 - Guttering on the front elevation is partially absent.
 - Slate roof intact but largely covered with moss.

- One elevation is painted up to below first floor windows
 - Window/plant boxes at first floor level contain dead/withered plants.
 - The undeveloped parcel of land is overgrown and not readily accessible.
 - There is a partial collapse of a section of wall along the public footpath.
- 2.3. The subject does not contain any Protected Structures however, the three buildings are listed on the National Inventory of Architectural Heritage (NIAH) with the following references: Ref. No. 11823004 (House); Ref, No. 11823003 (House); and, Ref. No. 11823002 (House). The subject site is within a Zone of Archaeological Potential as per Objectives Map (V2-1.1B) of Volume 2 of the Development Plan however, no recorded monuments are detailed on the site. The site is not situated within an Architectural Conservation Area. The subject site is zoned 'Town Centre' on Zoning Map V2-1.1B of Volume 2 of the Kildare County Development Plan 2023-2029.

3.0 Application for Consent for Acquisition

- 3.1. Kildare County Council has applied to An Coimisiún Pleanála for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act, 1990 (as amended). I note that this application is subsequent to Kildare County Council serving notices as follows:
- Section 8(2) Notice to Trevor Moore dated 29th July 2025 (advising of the Local Authority's intention to enter the site on the register of derelict sites).
 - Section 11 Notice to Trevor Moore dated 7th September 2025 (directing the owner/occupier to undertake a number of measures at the subject site).
 - Section 8(2) Notice to Owner/Occupier dated 11th September 2025 (advising Local Authority's intention to enter the site on the register of derelict sites).
 - Section 11 Notice to Helen McDonald dated 7th November 2025 (directing the owner/occupier to undertake a number of measures at the subject site).
 - Section 8(7) Notice to Owner/Occupier, Helen McDonald dated 27th January 2026 and stamped 13th February 2026 (advising Local Authority's decision to enter the site on the register of derelict sites).

- Chief Executives Order (Ref: CE63923) signed by the Chief Executive and dated 9th February 2026 recommending the site be acquired compulsorily.
- Notice to Trevor Moore and Owner/Occupier and Helen McDonald dated 11th February 2026 notifying of Local Authority's intention to acquire the site compulsorily.
- Section 15(1)(a) Notice published in a local newspaper dated 17th February 2026 notifying of the Local Authority's intention to acquire the site compulsorily.

4.0 Application and Objection

4.1. **Notice of Intention to Acquire**

- 4.1.1. Notice of Kildare County Council's intention to compulsorily acquire the site was served upon the owners/reputed owners on 11th February 2026 by way of being placed on the site and published in the Leinster Leader Newspaper dated 17th February 2026. The site was described in the notices, as follows:

"A derelict site comprising two-storey properties and surrounding lands on 0.7154 hectares or thereabouts".

4.2. **Objection to Acquisition**

- 4.2.1. Four objections to the proposed acquisition were submitted to Kildare County Council. It shall be noted that the Local Authority claim only two objections to were received. From review of the file, the objections are indicated as being from Trevor Moore; Trevor Moore on behalf of Helen McDonald; Trevor Moore on behalf of Elizabeth Moore (Deceased); and, James Cody & Sons Solicitors on behalf of the Estate of Audrey Dawes and Shirley Kenny both dated 31st March 2026. The objections are each summarised as follows:

James Cody & Sons Sols. on behalf of Estate of Audrey Dawes and Shirley Kenny

- Only discovered on 31st March 2026 that Kildare County Council have included a field on a CPO map which is in the ownership of clients.
- The red outlined area on map comprises four separate properties of which three are placed on Derelict Sites Register.

- The fourth property was never placed on the Derelict Sites Register and it should be noted that no maps were made to identify the individual properties and it has now come to light that property being included was not the subject of other properties placed on the Derelict Sites Register.
- At no time was there any indication that fourth site was subject to matters relating to the other three properties.
- There was no active engagement from the Local Authority regarding this fourth site contained within the overall site and as such the process was not fair and reasonable and not in compliance with the requirements of the Derelict Sites Act.
- Client is a freehold owner of an agricultural field and should not have been included in the site outlined on the map as it is not subject to a Derelict Site.

Trevor Moore

- Four generations have lived and worked at this property since 1916.
- Vacant Homes Section was informed that property was to be refurbished and would be lived in.
- Departmental guidelines relation to acquisition of property places emphasis on getting owner/occupier to cooperate in getting properties back into use.
- Instead of engagement, the Vacant Homes Section chose to ignore owner/occupier and proceed with acquisition.
- CPO is being pursued without giving adequate time and opportunity to bring property back to life.
- Reply to proposal to place property on Derelict Sites Register did not afford courtesy of meeting and Vacant Homes Section had every opportunity to discuss matter and note difficulties in progressing work.
- Work was being carried out on various aspects of building and was not neglecting to carry out works deemed most important.
- Recent months have been very wet with no real work possible and family circumstances have diverted time away from Castledermot.

- Correspondence on 27th September 2025 informed that a letter sent on 1st May 2025 was only received on 17th August 2025 as it was received by neighbours and there was no signature for the registered letter.
- Efforts to engage were totally ignored whilst employed in K.C.C.
- K.C.C. was written to on a number of occasions regarding the singing of the footpath to the front of the property and that its condition was putting people off renting the property.
- No Councillors were in contact on the matter.
- Contact has been made with a local builder regarding taking an interest in the property (a letter indicating same attached).
- There is a High Court agreement regarding the property in relation to ground rent which has yet to be finalised.
- Boundary of property has not been identified but 'lumped' into an overall site consisting of three individual properties plus a fourth property in different ownership that has not been the subject of any Derelict Sites process.
- It is intended to work on the property in order to reopen the shop as an Art Gallery type unit or similar.

Helen McDonald

- Objection prepared by Trevor Moore on behalf of his widowed sister.
- Four generations of family have lived and worked at this property since 1916.
- The property is the only property owned by Helen McDonald and is considered to be her home.
- Helen McDonald went to work in England and returned on a regular basis but stayed elsewhere as the property was subject to anti-social behaviour.
- Trevor Moore wrote to K.C.C. to explain he was organising to refurbish the dwelling with a view to Helen McDonald retiring there or family moving in.
- Instead of engaging with the owner, K.C.C. placed the property on the Derelict Sites Register even though it was pointed out that the property was being worked on for Helen McDonald or family to live in.

- Housing Dept. guidelines indicate that Local Authority is to engage with members who have vacant properties and CPO cannot be pursued without giving adequate time and opportunity to bring the property back to life.
- Boundary of property has not been identified by K.C.C.

Elizabeth Moore (Deceased)

- Objection prepared by Trevor Moore who is Executor of the Estate.
- Trevor Moore contacted K.C.C. to explain that he was organising to refurbish the shop with a view to moving in and living at the property.
- Housing Dept. guidelines indicate that Local Authority is to engage with members who have vacant properties and CPO cannot be pursued without giving adequate time and opportunity to bring the property back to life.
- Trevor Moore responded to proposals but K.C.C. decided to go ahead and not afford a courtesy of meeting to discuss.
- K.C.C. had every opportunity to discuss the matter and note any difficulties in progressing work.
- Trevor Moore was working on various aspects of the building and was not neglecting to carry out works deemed most important.
- Recent months have been very wet with no real work possible and family circumstances have diverted time away from Castledermot.
- Correspondence on 27th September 2025 informed that a letter sent on 1st May 2025 was only received on 17th August 2025 as it was received by neighbours and there was no signature for the registered letter.
- Efforts by Trevor Moore to engage were totally ignored whilst he was employed in K.C.C.
- K.C.C. was written to on a number of occasions regarding the singing of the footpath to the front of the property and that its condition was putting people off renting the property.
- No Councillors were in contact on the matter of the property.

- Contact has been made with a local builder regarding taking an interest in the property (a letter indicating same attached).
- There is a High Court agreement regarding the property in relation to ground rent which has yet to be finalised. This is in addition to probate matters.
- Trevor Moore will continue to work the property into a tidy state.
- K.C.C. have failed to identify the boundary of the property but have 'lumped' it in with other properties which are not on Derelict Sites Register. This has no legal standing.

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

4.3.1. The Local Authority requests the consent of An Coimisiún Pleanála to the compulsory acquisition of the derelict site. The application for consent was received on 14th April 2026 and includes the following:

- Cover Letter of enclosed particulars.
- Image of proof of postage of Notice of CPO to Helen McDonald; Trevor Moore and Owner/Occupier all addressed to Main Street, Castledermot, Co. Kildare.
- Copy of Chief Executives Order (Ref: CE63923) signed by the Chief Executive and dated 9th February 2026 recommending the site be acquired compulsorily.
- Copy of Deposited Map (Ref. No. 26-029) dated 9th February 2026 with red line demarking site and indicating its area as 1.7678 acres (0.7154 ha).
- Three copies of Notice of Intention to Acquire 'Main Street, Castledermot, Co. Kildare' dated 15th February 2026 and addressed to Trevor Moore, Helen McDonald and Owner/Occupier.
- Copy of K.C.C's Regeneration Report dated 6th February 2026.
- Copies of objections received to K.C.C (dated 31st March 2026).
- K.C.C's comments on the objection received on 31st March from Trevor Moore is summarised as follows:
 - Sets out the definition of 'derelict' in the Derelict Sites Act 1990.
 - There are reports dating from 2008 regarding vacancy and dereliction of the properties at Main Street, Castledermot.

- Evidence on Google Maps show the property in a state of vacancy/dereliction from 2009 and deterioration of the historic town wall prior to 2023.
- Repainting occurred in 2022 and Derelict Sites proceedings were paused on foot of same.
- Property has subsequently remained vacant a pre-CPO notice was issued on site in June 2023 and a new Derelict Site file was opened in September 2023.
- Kildare County Council were advised by letter in May 2024 that works commenced on the property and intentions of living and operating a business at the properties.
- A request for update on works was requested in October 2024 to which no response was received.
- Decision was taken in December 2024 to commence CPO after site visit confirmed no works had taken place on the properties.
- Contact made to advise owner that no further information was submitted, that Kildare County Council were commencing CPO of the site.
- Correspondence received in January 2025 from property owner advised of delays in finance and persons to carry out works and detailed a timeframe of 3 months, referenced a planning application to be made however to date no planning application was received.
- Derelict proceedings re-commenced as the property remained vacant and in a state of dereliction and was entered onto the Derelict Sites register in September 2025. At the time of 8(2) Notice, Kildare County Council received written correspondence from Helene McDonald who identified themselves as the owner of one of the units and advised they commenced painting works and hope to have works completed in the future.
- Kildare County Council issued a Section 11 Notice in November 2025 detailing works to be completed to deem the property non-derelict to give this owner an opportunity to address the dereliction.
- Property re-inspected January 2026 and advised no works done.

- Remaining property added to the Derelict Sites Register in January 2026
 - Compulsory acquisition of the properties and surrounding lands commenced in February 2026.
 - Evidence of prior engagements with Trevor Moore included.
 - Correspondence from Helen McDonald in relation to Derelict Sites has been confirmed in the objections to have been submitted by Trevor Moore. The communication received from Helen McDonald specifically outlined an address to correspond with; Kildare County Council took in good faith as being directly from Helen McDonald. All correspondence was returned undelivered from the address provided.
 - The objection from James Cody & Sons was hand delivered to Kildare County Council offices by Trevor Moore in March 2026.
 - Following correspondence with the offices of James Cody & Sons after the fact, a copy of CPO Notices was issued to their offices via email. The delineation and ownership of these properties were unknown to this office and public notices were placed on the site including a map outlining the subject lands of the Compulsory Purchase notice included in the Leinster Leader and available on Kildare County Council website.
 - The properties are in a prime location on Main Street, Castledermot and would when refurbished provide the potential for much needed housing, the condition of the properties continues to deteriorate year on year.
 - Kildare County Council have taken the decision to acquire the properties compulsorily after years of inaction.
- Copy of Notice of Intention to Enter Land as a Derelict Site in the Derelict Site Register letter dated 27th January 2026 signed by the Town Regeneration Officer and addressed to Owner/Occupier, Helen McDonald.
 - Copy of Section 11 Notice dated 7th November 2025 directing Helen McDonald to undertake a number of measures at the subject site within a specified timeframe.

- Copy of Section 8(2) Notice dated 11th September 2025 and addressed to Owner/Occupier advising Local Authority's intention to enter the site on the Derelict Sites Register).
- Copy of Section 11 Notice dated 9th September 2025 directing Trevor Moore to undertake a number of measures at the subject site within a specified timeframe.
- Copies of correspondence received from Trevor Moore and Helen McDonald respectively in response to Section 8(2) Notice dated 29th July 2025.
- Copy of Section 8(2) Notice dated 29th July 2025 and addressed to Trevor Moore advising Local Authority's intention to enter the site on the Derelict Sites Register).
- Copy of letter from Kildare County Council dated 1st May 2025 and addressed to Trevor Moore requesting an update on restorative work to 3 shops on Main Street, Castledermot.
- Copies of email and letter correspondence between Trevor Moore and Kildare County Council dated between May 2024 and 9th January 2025 regarding status of property.
- Copy of Memo dated 30th August 2010 from Environment Section of Kildare County Council noting that the two buildings were renovated and can no longer be considered derelict but that the third building has had its window broken. It recommended that a letter be sent to Trevor Moore to have the window boarded up and painted.
- Copy of Memo dated 5th August 2008 from Environment Section of Kildare County Council recommending that a Section 11 Notice be issued to Trevor Moore in relation to the 'property's and curtilage on Main Street, Castledermot, Co. Kildare'.
- Photographs of subject properties dated 26th January 2022, 26th June 2023, 23rd May 2024, 2nd August 2024, 7th May 2025, 30th July 2025, 26th August 2025, 11th September 2025, 17th December 2025, 15th January 2026, 29th January 2026, 16th February 2026.

- Photographs of Notices and Maps affixed to the subject properties.
- Site extracts from Google Streetview from 2009, 2011, 2014, 2018 and 2023.
- Copy of Newspaper Notice from the Leinster Leader published on 17th February 2026.

4.4. **Objector Submission(s)**

4.4.1. Two submissions were received to An Coimisiún Pleanála and I have summarised these submissions as follows: The correspondence notes that the Commission clarified with Kildare County Council that two submissions were received however this is claimed to be incorrect and there is a total of four submissions.

Trevor Moore

- Report by Vacant Homes Officer mentions correspondence on dereliction dating back to 2008. It is noted that contact was made in 2008 requesting that works be carried out to the property and subsequent to work being carried out in accordance with instruction, the file was closed.
- The Council have not submitted letter of closure on this file and have been selective on what has been submitted.
- A copy of the letter will be endeavoured to be found.
- The property was in use and was boarded up as glass was broken repeatedly by local youths and so the only way to secure it was to board it up.
- Property was advertised for short-term letting but nobody was interested.
- Factors preventing letting was state of footpath constructed as part of town improvement works whereby a concrete footpath was replaced with cobble. Footpath flooding caused the deterioration of the woodwork at the property.
- Work had been carried out on the property almost every year to try and keep it in repair and some painting was carried out in 2022 as Covid restrictions were being lifted.
- It was intended to retire and move to Castledermot and have business there.
- It appears that K.C.C put a non-statutory notice on the premises at some stage seeking information about the property.

- At no point was contact made since 2008 regarding the property despite details being on file and being employed in same building.
- In May 2024, a letter was sent to K.C.C before any direct contact was made and objectives were being set in motion. Another letter was sent in January 2025 to confirm that motion was set for getting premises back into shape.
- Mr. Moore was unaware K.C.C had opened a Derelict Site file on the properties.
- Mr. Moore contacted K.C.C in the first instance in order to outline proposals for the site before K.C.C contacted him.
- Mr. Moore was unaware that the Derelict Site issue was going to become a problem with the state of the housing crisis.
- There is much work to be done on the properties, and it takes time and matters can change to get a property up and running.
- K.C.C should be aware of the time/duration to complete projects.
- A letter sent to K.C.C in September 2025 informed that a registered letter was received in August 2025 which was sent in May 2025. The signature on the letter does not represent Mr. Moore's signature and was not delivered to his property.
- The reply to the letter was not by the sender of the original letter but the Vacant Homes Officer.
- Mr Moore sent a letter to K.C.C in September 2025 stating certain facts and requesting a joint inspection but this was never afforded.
- K.C.C stated that they were going to put the property on the Derelict Sites Register and ignored Mr. Moore proposals.
- It is the duty of a public servant to carry out their work in a fair manner and guidelines state that they are to engage with property owners. All suggestions were from Mr. Moore and K.C.C failed to engage positively and had multiple people dealing with the matter when it should have been one individual in the organisation.
- There was no willingness on behalf of the majority of those involved to solve the situation in an amicable manner.
- Mr. Moore delivered the objection to the CPO process in March 2026. Four separate objections were delivered – 1. Trevor Moore; 2. Acting as agent on

behalf of Helen McDonald; 3. Acting as agent on behalf of Estate of Elizabeth Moore; and, 4. An objection by Cody Solicitors.

- The reason Mr. Moore delivered the objection from Cody Solicitors was that Mr. Moore became aware of the map outline that included a fourth property that was never in the CPO process owned by a third party. Mr Moore was in touch with this party to make them aware of the situation and was in a position to deliver an objection on their behalf.
- It is on record that while Mr. Moore submitted 3 objections on behalf of himself and two other parties, he was the only one invited to submit comments by 11th May 2026. Neither of the other two objections on behalf of Helen McDonald or the Estate of Elizabeth Moore were asked to submit comments.
- Attachments with a report from K.C.C state Mr. Moore went to offices which should not have happened. As no confirmation reply to the email objections was received, hard copies were hand delivered.
- When arriving at K.C.C offices, Mr. Moore was informed that the relevant person was not there and he was invited to an alternative office. At no point did Mr. Moore state that the letter was from his solicitor and the person in the office was unknown to him.
- The guidelines for dealing with vacancy is to liaise with the property owners in the first place and it is suggested that K.C.C employees follow these guidelines. In this subject instance, Mr. Moore was invited into the office by the Clerical Officers and directed to an office.
- A comment in a letter relates to the deterioration of the historic town wall and appears to refer to the demolition of the street wall of the adjoining property, the 4th property. This is not the historic town wall but a field boundary fronting Main Street. It has been repaired in the past and is only approximately 200 years old.
- The writer of the letter is mistaken, and the wall was knocked by a hit and run driver and reported to local Gardaí.
- Mr Moore is continuing to work on the property with a view to opening the property soon as a business and reside in the property while renovations are being carried out.

- The application by K.C.C is invalid as the submitted documents are not in line with the requirements of the documents to be submitted.
- The Board is very strict in that all documents are to be submitted within the timeframe and cannot be added later. The timeframe has passed and the applicant should be returned to the applicant forthwith.
- No assessment of the works required to the premises has been carried out by a qualified person such as an Engineer or Architect but are of cut and paste nature by clerical staff which is not acceptable in legal terms.

Estates of Audrey Dawes and Shirley Kenny

- Submission on behalf of Audrey Dawes and Shirley Kenny both deceased.
- Probate issued in respect of both persons whereby individuals were appointed as the legal personal representatives.
- Submission requests that An Coimisiún Pleanála modify proposed acquisition to reflect proper ownership, title, mapping and planning position.
- It is requested that Site 'A' (0.48ha) be identified separately from Site 'B' (0.23ha) as marked on map and update/modify the documentation of Site 'A' to reflect ownership by Estates of Audrey Dawes and Shirley Kenny; and, Site 'B' to reflect ownership by Trevor Moore and Elizabeth Moore.
- It is requested that the acquisition should not be confirmed in its present form.
- The lands in question include two distinct areas (Site A and Site B).
- Effects from a Circuit Court Order dated 31st January 2013 informs that Audrey Dawes and Shirley Kenny were to convey to Trevor Moore and Elizabeth Moore lands identified on the court map as Site 'B' (0.23ha) and that Trevor Moore and Elizabeth Moore acknowledged that they had no right or interest in lands identified as Site 'A' (0.48ha).
- The present acquisition cannot properly proceed on the basis that Sites 'A' and 'B' form one ownership unit or are owned by the same parties.
- The ownership distinction of the two sites is not a technical or incidental matter. It is fundamental to the validity and fairness of the compulsory acquisition process, the identification of the parties entitled to notice, identification of the parties entitled to make submissions, correct assessment of responsibility for the condition of lands, proper assessment of whether

acquisition is necessary and proportionate and any compensation process that may arise.

- It appears from the material now available that the compulsory acquisition process may have proceeded on the basis that Trevor Moore was the owner, or the relevant owner, of the entirety of the lands. If that was the basis upon which the process proceeded, it was incorrect.
- It appears that K.C.C was not informed of this material ownership distinction.
- The estates first became aware on or about the 31st March 2026 that 'Site A' had been entered on the Derelict Sites Register; K.C.C had taken steps in relation to the condition of the lands; and, K.C.C had resolved to acquire the lands compulsorily.
- Prior to above date, the legal personal representatives of the estates were not afforded a meaningful opportunity to engage with K.C.C in relation to the ownership of 'Site A'; the distinction between 'Site A' and 'Site B'; effect of Circuit Court Order; condition of 'Site A'; responsibilities of Trevor Moore and Elizabeth Moore for works/actions on 'Site A'; appropriate remedial works; and, alternative to compulsorily acquisition.
- The various notices referred to by K.C.C are noted however the actual owners of 'Site A' (Audrey Dawes and Shirley Kenny) were not directly notified and were not aware of the process until on or about 31st March 2026.
- Had the estates been notified earlier they would have been in a position to correct the ownership position, produce the court order, distinguish 'Site A' from 'Site B', require compliance from Trevor Moore and Elizabeth Moore, engage with K.C.C regarding an appropriate remedial programme.
- Absence of direct notice to the estates is a material reason why acquisition should not be confirmed in its present form and why modification is required.
- It is understood that findings of dereliction in relation to 'Site A' relate principally to presence of tractors, cars, bric-a-brac, rubbish and other materials; the condition of the granite wall and general visual/physical condition of lands. These matters must be considered in context of Circuit Court order and the undertakings of Trevor Moore and Elizabeth Moore to address those issues. This has not been done.

- Numerous documents relied upon including a 1988 deed of conveyance; grant of probe of estate of Audrey Dawes and Shirley Kenny respectively; Circuit Court order; Land Registry Documentation; correspondence with K.C.C and Trevor Moore; and relevant photos and maps.

4.5. **Further Correspondence**

4.5.1. On 27th July 2026, An Coimisiún Pleanála requested under Section 217A of the Planning & Development Act 2000 (as amended) that Kildare County Council make submissions/observations in relation to the submission received from the Estate of Audrey Dawes and the Estate of Shirley Kenny on 11th May 2026. A response was received from Kildare County Council on 31st July 2026 as in summarised as follows:

- The objective of the Compulsory Purchase Order is to bring the vacant derelict site back into use. The site contains vacant derelict structures with access provided from the main street and part of the historic town wall to the rear of the site.
- Definitions of the Derelict Sites Act 1990 are set out.
- The objection from James Cody and Sons was hand delivered to Kildare County Council by Trevor Moore on 31st March 2026.
- Following correspondence with James Cody and Sons, a copy of the CPO notices was issued to their offices via email.
- The delineation and ownership of these properties were unknown to this office, prior to receipt of this objection.
- Public notices were placed on site, including a map outlining the lands subject to this compulsory purchase notice (issued to Leinster Leader and on K.C.C website).
- K.C.C was unaware of the interest of the Estate of Audrey Dawes and the Estate of Shirley Kenny prior to commencing Compulsory Acquisition and would not be opposed to a modification of the Compulsory Acquisition Order; Map; and, Schedule to reflect the proper ownership of the lands.

- K.C.C have taken the decision to acquire the properties compulsorily after years of inaction and to address the ongoing dereliction of the properties in the town centre.
- K.C.C's aim is to address vacancy and dereliction in towns and villages.
- Properties are in a prime location on the Main Street in Castledermot and would when refurbished provide the potential for much needed housing. The condition of the properties continues to deteriorate year on year.

4.6. **Oral Hearing**

4.6.1. No request has been received for an Oral Hearing.

5.0 **Planning History**

5.1. None.

6.0 **Legislation and Policy Context**

6.1. **Derelict Sites Act 1990 (as amended)**

6.1.1. The Derelict Sites Act 1990 (as amended), makes provision 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.

6.1.2. Section 3 of the above Act defines a '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."

6.1.3. Other relevant provisions of this Act are briefly summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.
- Section 9 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.
- 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.
- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board (now An Coimisiún Pleanála).

6.2. Planning Policy Context

Kildare County Development Plan 2023-2029

The Kildare County Development Plan 2023-2029 is the relevant development plan for the area.

Chapter 2: Core Strategy & Settlement Strategy

Castledermot is defined as a 'Town' which has a description as a *'local service and employment functions in close proximity to higher order urban areas.'*

The following objectives are of note:

Objective CS O5 Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

Objective CS O6 Promote, and initiate where feasible, measures to reduce vacancy and the underutilisation of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings within settlements throughout the county.

Chapter 3: Housing

The following policies and objectives are deemed to be relevant:

Policy HO P6 Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Obj HO O8 Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the

requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.

- Obj HO O12 Support and promote the renovation and re-use of obsolete, vacant and derelict homes, through the following measures: (i) Encourage the redevelopment and reuse, including energy retrofitting, of the existing housing stock. (ii) Support Government programmes and incentives to bring empty homes into use through various means, including potential expansion of the Town and Village Renewal Scheme as referred to in the Government's Rural Development Policy 2021-2025. (iii) Maximise the effective use of local authority housing stock and minimise local authority housing stock vacancy, including through effective refurbishment and retrofitting of older stock where appropriate. (iv) Promote the conversion of vacant properties into new social and affordable homes through schemes including the Repair and Leasing Scheme and the Buy and Renew Scheme. Kildare County Council will endeavour to promote these schemes and encourage owners of vacant properties to avail of these schemes, directly or in co operation with Approved Housing Bodies.

Chapter 4: Resilient Economy & Job Creation

The following objective is considered relevant in the context of urban growth, regeneration and placemaking:

- Obj RE O36 Address derelict sites in towns and villages by invoking the powers of the Derelict Sites Act, 1990 (as amended) and by the Planning and Development Act, 2000 (as amended).

Chapter 8: Urban Centres and Retail

Section 8.13 relates to 'Re-Use and Regeneration of Derelict and Underutilised Land and Buildings' and it is stated that the re-use and regeneration of derelict/obsolete/underutilised land and buildings in town and village centres is a sustainable and desirable objective in helping to preserve and restore the

character and quality of centres, particularly when having regard to the vernacular/historical architecture, scale, height, density and massing.

The following objective and action are considered to be relevant:

Obj RET O77 Work with applicants and development interests to explore the potential of suitable, available and viable land and buildings for retail and other town centre uses across all centres in the County Retail Hierarchy. The Council may facilitate and engage in active land management strategies so as to encourage regeneration and ensure viable land parcels for retail development in preference to edge of centre and out-of-town sites.

Action RET A3 Identify obsolete and potential renewal areas and, through active and positive engagement with landowners, to encourage and facilitate the re-use and regeneration of derelict land and buildings in the county's main towns, villages and smaller centres. The Council will use its statutory powers, including the Derelict Sites Act (as amended), the Vacant Site Levy 4 and/or Compulsory Purchase Order, where necessary.'

Chapter 14: Urban Design, Placemaking & Regeneration

The following policy, objective and action are deemed to be applicable in relation to towns and villages:

Policy UD P2 Develop towns and villages of all types and scale as environmental assets and ensure that their regeneration and renewal forms a critical component of efforts to achieve compact growth development and increased climate resilience within settlements across the county.

Obj UD O6 Continue to pursue a Town Centre First Approach to renewing and developing town centres through the following: (i) Prioritising the town centre as the primary location for commercial, civic, social and cultural development and

promoting new high-quality infill and backland development that consolidates and regenerates the existing urban core. (ii) Preparing and implementing Town/Village Renewal Masterplans for settlements of all sizes across the county. (iii) Actively engaging with the community, landowners, developers and other agencies to secure support and develop a shared vision for the renewal and enhancement of Kildare's towns and villages. (iv) Implementing the provisions of Government's 'Housing For All' plan (2021) with regard to addressing vacancy and maximising efficient use of existing stock in our town centres. (v) Implementing the provisions and Actions of 'Town Centre First – A Policy Approach for Irish Towns' (2022) including supporting the work of any appointed Town Regeneration Officers within the Council.

Action UD A5

Continue to tackle vacant residential and derelict sites within town centres through various initiatives, including the following:

- Targeted engagement with landowners.
- Promoting awareness of the Buy and Renew and Repair and Lease Schemes.
- Developing tailored responses through selected Town Renewal Masterplans.
- Applying for any funds made available under the Government's Housing for All plan (2021) to increase residential living opportunities in vacant or underutilised buildings.
- Land Activation Measures, including the use of the Derelict Sites Act, Section 59 mechanisms related to the Record of Protected Structures and Compulsory Purchase Powers.
- The preparation of Town Centre First Plans by designated town teams.

Volume 2 of the Kildare County Development Plan 2023 – 2029 comprises Towns and Environs Plans - Village Plans and Rural Settlements.

Section V2 2.2 relates specifically to Castledermot and the following Town Centre objectives are considered to be relevant:

Obj ST C3 Actively encourage the rehabilitation, restoration and re-use of vacant, derelict and underutilised properties in the town centre.

Obj ST C4 (i) Require that the Opportunity site (See Map V2 – 1.1B) includes a landmark mixed use / retail development building, creates a strong presence along Main Street and forms a definite building at this town centre location.

(ii) This significant infill development will be contingent on a masterplan and phasing arrangement being agreed with the Council.

7.0 Assessment

7.1. Site Inspection & Condition

7.1.1. I carried out my site inspection on 23rd June 2026. Internal access to the buildings was not available so I carried out an external visual inspection from Main Street (R-448) and the adjoining local road network. I walked along the front of the three two-storey buildings which all appeared to be vacant and unoccupied.

7.1.2. I observed the first building as being partially painted with a light blue up to first floor level and white to the remainder. The existing shopfront was in place with the fascia signage board blanked white and the pilasters/supports painted black. The two shop windows boarded up with plywood painted white. The glazing of the timber door was also boarded with plywood and painted to match the dark brown colour of the door. The first-floor level windows were intact and painted white. The guttering was partially removed/absent. The slate roof and ridge tiles were intact but covered with moss. The shared chimney appeared to be in good condition but there was a weed on the top.

- 7.1.3. The second building, located in the centre, was painted dark pink and the existing shopfront was in situ. The fascia signage board blanked with black paint and the surrounds and consoles painted red. The plinth to the bottom of the shopfront was discoloured and had a decayed appearance. The two shop windows boarded up with plywood painted black. The glazing of the main timber door was boarded with plywood and unpainted. The second timber door was painted red with the glazing boarded with black coloured plywood. The first-floor level sash windows were intact and painted white. The guttering to the front was absent with the backboard visible. The slate roof and ridge tiles were intact but covered with moss. As noted, the shared chimney appeared to be in good condition but there was a weed on the top.
- 7.1.4. The end building was painted white. The existing shopfront was in situ, and the fascia signage board was blanked with white paint. The pilasters/supports were also painted black. The two shop windows were partially boarded up with plywood painted white. The glazing of the exposed portion of one window was cracked and damaged but the other window was undamaged. The timber door was painted black with the glazing boarded with black coloured plywood. The first-floor level windows were largely intact with one window open and one window missing a single glass pane and painted red. The guttering to the front was absent with the backboard visible. The downpipe was in place. The slate roof and ridge tiles were intact but covered with moss. The shared chimney with the middle building appeared to be in good condition.
- 7.1.5. The adjoining parcel of land to the north of the subject buildings is generally triangular in shape. The roadside (western) boundary alongside the public footpath and Main Street/R-448 is formed by a stone wall. A small section of this wall has collapsed but the wall is otherwise in good condition. The northern boundary of the land is walled and adjoins a small public park area. The makeup of the eastern boundary is unclear as it forms the rear curtilage of residential properties along with a farmyard area. There are a number of mature trees behind the wall at the western and northern boundaries.
- 7.1.6. The gate to the land from Main Street/R-448 was closed and I was unable to access the land given the extent of overgrowth. From my observations into the site, I noted that the lands were not actively farmed/grazed. There was

considerable vegetation within the site and the area had a wild and unkept appearance. I observed a covered trailer parked adjacent to the gate and this area had been strimmed/cutback recently. I was unable to clearly make out if there were other materials or items in this area due to its condition.

7.2. Category of Dereliction

7.2.1. Based on the property condition which I observed during my site inspection, I do not consider that the site falls within category (a) of Section 3 of the Act, which relates to structures which are in a ruinous, derelict or dangerous condition. I have formed this view having conducted an external visual inspection the site and reviewed the material on file. I do not consider that the site and related structures/buildings are in a dangerous condition or could be considered ruinous. I note that the walls and roofs of the buildings are intact with the exception of absent guttering. A small section of the stone wall along the public footpath is partially collapsed but in my view is not ruinous or dangerous and appears to have been caused by an impact incident rather than neglect. Therefore, I do not consider that the condition of the site and related structures result in the subject property being considered to fall under category (a) of Section 3 of the Act.

7.2.2. In respect of category (b) of Section 3 of the Act, I have already set out the appearance of the subject properties as I have observed them. It is my opinion that the buildings and land fall within category (b) of Section 3 of the Derelict Sites Act, 1990 on the basis of the land and building being unkempt, neglected and unsightly condition. Whilst I note that the buildings appear to be in a good structural condition in terms of roofs, windows and external wall; and each building has been recently painted and contain various mix of colours; I note that the shopfronts/fascia signage are blank, the ground floor window opes and doors are boarded up/screened, gutters are partially collapsed/absent and the roofs are covered with moss. I would therefore characterise the overall appearance of the buildings as poor on account of the nature/quality of the painting works, aging of the shopfronts and lack of cleaning of roofs. In my view, I consider the buildings as idle but do not present an abandoned appearance and so the general appearance of these structures is of an unsightly condition, when viewed in the context of the wider Main Street of Castledermot where neighbouring properties

are well maintained and occupy a prominent location along the settlement's primary thoroughfare.

7.2.3. The parcel of adjoining land is covered in extensive overgrowth and a portion of the stone boundary wall remains fallen/collapsed without repair. I consider this land to be unkempt and neglected – notwithstanding my opinion that this area is generally well-screened from public view on account of the stone wall and mature trees along the Main Street (R-448). Overall, I consider that the buildings and land detract to a material degree from the amenity, character and appearance of land in the area, which in my view, render them derelict under category (b) of Section 3 of the Derelict sites Act, 1990.

7.2.3. I did not access the interior of the structures, and the subject property is effectively impenetrable owing to the extent of overgrowth present at the time of my inspection. Nevertheless, I do not consider the property to fall within category (c) of Section 3 of the Act as there was no litter, rubbish or debris visible at the time of my inspection.

7.3. Action of Local Authority

7.3.1. Under Section 10 of the Derelict Sites Act 1990 (as amended), I note the Local Authority has a duty *'to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to become a derelict site'*.

7.3.2. Based on the information submitted with the file, it would appear that the subject buildings have been under consideration by Kildare County Council for some time. In recent times, Kildare County Council were in contact with Trevor Moore in October 2024 regarding the vacancy of properties and pressure to take action to address the long-term vacancy. Further email correspondence in January 2025 noted that the units remained vacant, and Trevor Moore was advised that the Local Authority would be commencing CPO on the site. Further letter correspondence in May 2025 to Trevor Moore asked if works, outlined previously with a view to making the properties residential, had been carried out. A Section 8(2) Notice advising of the Local Authority's intention to enter the site on the register of derelict sites was sent to Trevor Moore on 29th July 2025 and placed on the site. A letter addressed from Helen McDonald was sent to Kildare County

Council on 27th August 2025 claiming that a Section 8(2) Notice was affixed to her property in error and that the person whose name was on the notice is the owner of an adjoining property. Kildare County Council issued a Section 11 Notice on 9th September 2025 directing Trevor Moore to undertake works comprising repair/replacement of windows; securing site and building; repair/replace roof; repair/replace gutters and downpipes; externally clean building; remove waste; maintain site from overgrowth and weeds; general maintenance to building; submit plans to carry out works. The associated timescale ranged between 5-20 weeks. Also on 9th September 2025, Kildare County Council issued a letter to Trevor Moore informing that he had been afforded opportunity to address vacancy and dereliction of the units and that the Local Authority would be proceeding with a Section 8(7) Notice for the two properties to the north to be entered onto the Derelict Sites Register. Another Section 8(2) Notice dated 11th September 2025 was issued to "Owner/Occupier, Main Street, Castledermot, Kildare". I note the registered post lists the respective addresses of Trevor Moore and Helen McDonald respectively. Kildare County Council issued another Section 11 Notice on 7th November 2025 directing Helen McDonald to undertake works comprising repair/replacement of windows; securing site and building; repair/replace roof; repair/replace gutters and downpipes; externally clean building; remove waste; maintain site from overgrowth and weeds; general maintenance to building; submit plans to carry out works. The associated timescale ranged between 4-20 weeks. A Section 8(7) Notice was issued to "Owner/Occupier, Helen McDonald" on 27th January 2026 regarding a 'Unit on Main Street, Castledermot, Co. Kildare' of entry onto the Derelict Sites Register. A Regeneration Report dated 6th February 2026 and signed/counter signed by a Graduate Planner, Town Regeneration Officer and A/Director of Services indicated that the proposal to acquire the property at Main Street, Castledermot, Co. Kildare would be in line with national policies and the provisions of the Development Plan to return the unit back into use. A signed Chief Executives Order (Ref: CE63923) dated 9th February 2026 recommended that the site be acquired compulsorily. On 11th February 2026 Kildare County Council issued letters to Trevor Moore, Helen McDonald and Owner/Occupier with attached Section 15(1)(a) Notices notifying of Local Authority's intention to

acquire the site compulsorily. The Local Authority included a Section 15(1)(a) published in a local newspaper dated 17th February 2026. The Local Authority included a photographic profile/timeline of the site 26th January 2022, 26th June 2023, 23rd May 2024, 2nd August 2024, 7th May 2025, 30th July 2025, 26th August 2025, 11th September 2025, 17th December 2025, 15th January 2026, 29th January 2026 and 16th February 2026.

- 7.3.3. Having regard to the information on the subject file, I am of the view that Kildare County Council have attempted to have the buildings on Main Street, Castledermot, Co. Kildare rendered non-derelict by corresponding with purported owner(s) in relation to vacancy of the buildings; issuing Section 11 Notices; and, issuing Section 8(2) and Section 8(7) Notices. It is also clear to me that Kildare County Council have sought to engage with the owner(s) of the properties before commencing the process of entering them onto the Derelict Sites Register and prior to submitting an application to the Commission for the compulsory acquisition of the properties. I am also satisfied that the Kildare County Council provided sufficient time and opportunities to address the dereliction. I am of the view that the Local Authority has reasonably outlined how the Compulsory Acquisition of the buildings accords with policies and objectives of the Kildare County Development Plan 2023-2029 to address vacancy and/or dereliction in County Kildare and that reference has been made to general Government policy in terms of housing or the need to acquire the subject two storey structures.
- 7.3.4. However, notwithstanding the above, I am not of the opinion that the entire efforts of the Local Authority have been fair and reasonable to all parties. It is my view that Kildare County Council has failed to establish the identity of all owners to which the lands relate. An objection to the proposed acquisition was submitted on behalf of the Estates of Audrey Dawes and the Shirley Kenny who indicated their control over part of the subject lands. Kildare County Council forwarded a copy of the CPO Map and CPO Notice to the representatives of the owners; however, the engagement given to other purported owners was not offered to the Estates of Audrey Dawes and the Shirley Kenny. An Coimisiún Pleanála received correspondence from Kildare County Council on 27th July 2026 on foot of a request made under Section 217A of the Planning & Development Act 2000 (as amended) which asked Kildare County Council to make

submissions/observations in relation to the submission received from the Estates of Audrey Dawes and Shirley Kenny. In brief, the observation from the Local Authority informs that public notices were placed on the site including a map outlining the lands subject to the compulsory purchase notice. It is stated that copies of the CPO notices were issued to representatives acting behalf of the Estates after their initial objection was received. The Local Authority acknowledged that the delineation and ownership of the properties were unknown to Kildare County Council prior to receipt of the objection. It is also indicated that Kildare County Council would not be opposed to a modification of the Compulsory Acquisition Order; Map; and, Schedule to reflect the proper ownership of the lands.

7.3.5. Having regard to the above and in the context of the subject lands forming part of the proposed compulsory acquisition, I do not consider that the efforts of the Local Authority have been fair and reasonable to the Estates of Audrey Dawes and the Shirley Kenny. In my view, the Local Authority did not correctly establish the identity of all owners of the subject lands. I am also not satisfied that the Local Authority gave appropriate opportunity to the Estates of Audrey Dawes and Shirley Kenny to address or discuss the issue of dereliction on their lands when it was brought to the attention of Kildare County Council that other landowner(s) had interest in the lands. Furthermore, I do not consider that a modification of the order and maps to reflect the proper ownership of the lands as requested by Kildare County Council should be considered by the Commission. I have formed this opinion on the basis that the Local Authority has a duty and obligation to ensure that reasonable steps are followed in the acquisition of lands and in my view, the substantial revision/omission of lands subject to order at this stage is not representative of due process.

7.3.6. I shall address the steps and actions taken by the owner(s) separately in section 7.5 below.

7.4. Compliance with Development Plan

7.4.1. According to the Local Authority, the subject properties are in a prime location on the Main Street in the settlement of Castledermot and would, when refurbished, provide the potential for much needed housing.

7.4.2. I have had regard to the provisions of the Kildare County Development Plan 2023-2029 specifically Objective CS O5 which seeks to promote compact growth and renewal of settlements; Objective CS O6 which seeks to initiate measures to reduce vacancy and underutilisation of existing building stock; Policy HO P6 seeks to promote and support residential consolidation and sustainable intensification and regeneration through considering of applications for infill development, backland development, re-use/adaptation of existing housing stock; Objective HO O8 supports new housing provision to deliver compact and sustainable growth and supporting urban renewal, infill and brownfield site development and regeneration; Objective HO O12 support and promotes the renovation and re-use of obsolete, vacant and derelict homes, through measures such as encouraging redevelopment and reuse, support Government programmes to bring empty homes into use through various means and promoting the conversion of vacant properties into new social and affordable homes; Objective RE O36 seeks to address derelict sites in towns and villages by invoking the powers of the Derelict Sites Act, 1990 (as amended) and by the Planning and Development Act, 2000 (as amended); Action UD A5 seeks to tackle vacant residential and derelict sites within town centres through various initiatives including engagement with landowners, selected Town Renewal Masterplans, application for any funds under the Government plans to increase residential living opportunities in vacant or underutilised buildings; land activation measures (use of Derelict Sites Act and Compulsory Purchase powers; and, Action RET A3 which seeks to identify obsolete and potential renewal areas with a view to re-using and regenerating of derelict land and buildings with the Council using statutory powers such as the Derelict Sites Act and/or Compulsory Purchase Order.

7.4.3. In addition to the above, I also note the provisions for the settlement of Castledermot contained in the Development Plan which is relevant to the subject site and in particular Objective ST C3 which seeks to actively encourage rehabilitation, restoration and re-use of vacant, derelict and underutilised properties in the town centre; and, Objective ST C4 which requires that Opportunity site (on Map V2 – 1.1B) includes a landmark mixed use/retail development building, creates a strong presence along Main Street and forms a

definite building at this town centre location, and that this significant infill development will be contingent on a masterplan and phasing arrangement being agreed with Kildare County Council.

7.4.4. Therefore, I consider that the compulsory acquisition of property would be consistent with the policies and objectives of the Development Plan which essentially seeks the re-use and regeneration of derelict/underutilised land and buildings across the settlements of County Kildare, including Castledermot. I am satisfied that these provisions are guided towards ensuring that lands do not continue to be in a derelict condition and would be applicable to the subject lands.

7.5. Action of the Owner(s) to Address Dereliction

7.5.1. I note that owner/occupiers have obligations under Section 9 of the Derelict Sites Act 1990 (as amended) to *'take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site'*.

7.5.2. The objection to the proposed compulsory acquisition lodged on behalf of the Estates of Audrey Dawes and Shirley Kenny state that they control approximately 0.48 ha of the subject lands, identified as 'Site A' and have supported their claim with documentary evidence. It is claimed that the compulsory acquisition process may have proceeded on the basis that Trevor Moore was the owner, or the relevant owner, of the entirety of the lands - which is incorrect. It is also claimed that the respective Estates only first became aware on or about 31st March 2026 and that 'Site A' had been entered on the Derelict Sites Register with the Local Authority resolving to acquire the lands compulsorily. It is also claimed that as actual owners, the Estates were never notified of the process. The submission received informs that had the Estates been notified at an earlier stage that they would have been in a position to clarify and correct the ownership position and engage with Kildare County Council regarding an appropriate remedial programme for the lands.

7.5.3. Having regard to the objection received and having examined the submitted particulars against the subject file, I am of the view that the Local Authority did not engage with the Estates of Audrey Dawes and Shirley Kenny in relation to these lands prior to Kildare County Council's intention to compulsorily acquire the site. Notwithstanding the Local Authority position that notice/maps were

erected at the site and published in a local paper, I find no evidence that Kildare County Council sought to identify the correct owners of the lands or engage with them in advance of seeking to acquire the lands compulsorily. I further note in this regard that the correspondence sent to the Owner/Occupier was issued to Main Street, Castledermot, Co. Kildare and that the subject site is described as a *'derelict site comprising two-storey properties on 0.7154 hectares or thereabouts'*. In my view this does not accurately reflect the lands in the control of the Estates of Audrey Dawes and Shirley Kenny which does not contain buildings/structures.

- 7.5.4. Based on the information on file, I consider that the Estates of Audrey Dawes and Shirley Kenny did not have an appropriate opportunity to engage with Kildare County Council in relation to the condition of the property apart from their objection to the proposal to compulsorily acquire the property. It would also appear, from review of the submissions, that the Estates of Audrey Dawes and Shirley Kenny only became informed of this matter through the other notice party, Trevor Moore, who noted the lands included on the CPO Map. Additionally, I note the submission informs that had the respective Estates been notified earlier they would have been in a position to clarify/correct land ownership position and indicate that they would engage with Kildare County Council regarding an appropriate remedial programme for the lands.
- 7.5.5. Notwithstanding my significant concerns with the process adopted by the Local Authority in relation to these particular lands; I am of the view that the extent of overgrowth, unkempt and neglected condition of the lands and damaged wall is having a significant adverse effect on the amenities and appearance of the area. As previously noted, owner/occupiers have obligations to ensure that land does not become or does not continue to be a derelict site. That said, from my external observations of the lands (as referred in section 7.1), I consider that the works required to address the condition of the lands are not structural or significant in nature and could be carried out within a reasonably short period of time. Therefore, that sufficient time should be afforded to allow the owners to undertake works to ensure the land does not continue to be a derelict site. I consider that it is appropriate to refuse the Local Authority's application for consent to compulsorily acquire the subject lands in this instance.

- 7.5.6. The objection to the proposed compulsory acquisition lodged by Trevor Moore outlines that a previous file on the property regarding dereliction dating back to 2008 was closed and that the property was boarded up to secure it due to vandalism. It is also claimed that the property was advertised to be let but no persons were seemingly interested, and it is implied that factors for the lack of interest was due to the condition of the footpath. Mr. Moore states that work has been carried out on the property almost every year to try and keep it in repair and that some painting was carried out in 2022. In addition, it is also claimed work is continuing on the property with a view to opening the property soon as a business and that it will be resided in while renovations are being carried out but that considerable work is required and that this work takes time to be completed. Mr. Moore claims he was unaware that Kildare County Council had opened a Derelict Site file on the properties and alleges that letters sent by Kildare County Council were not delivered to his property. It is also claimed that no direct contact was made with him despite being employed in the same building as those dealing with the matter and his requests for joint inspections were never afforded. It is also claimed that there was no willingness from the majority of people dealing with this matter to resolve the situation amicably. Mr. Moore also indicated that the map referred to a fourth property which was not part of the CPO process and was in the ownership of a Third Party.
- 7.5.7. In relation to this objection and having reviewed the contents of the file, I note that the appearance of the three two storey buildings has improved somewhat since 2024 as a result of painting to the front facades and shopfronts. However, from an external observation of the buildings, I am of the view that no other significant works/refurbishments have been carried out to the buildings since the initiation of the compulsory acquisition process and so the buildings remain broadly in the same condition. Whilst I would acknowledge that the owner has demonstrated various engagement with the Local Authority and has outlined intentions to refurbish/renovate the buildings and open a business along with providing a variety of impediments to achieving same; I would have concern given the length of time the buildings have been vacant, that there is unlikely to be a resolution in a timely manner.

7.5.8. Notwithstanding my consideration that these buildings remain in an unsightly condition on account of being vacant and boarded up and therefore detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the site; I do not consider that the works which would be required to address the condition of these buildings, specifically those previously outlined, are significant in nature and I am of the view that such works could be carried out within a reasonably short period of time. It is considered, therefore, that it is appropriate to refuse the Local Authority's application for consent to compulsorily acquire the subject structures at Main Street, Castledermot, Co. Kildare.

8.0 Conclusion

- 8.1. Having regard to the Constitutional and Convention protection afforded to property rights, I consider the proposed acquisition of the Derelict Site comprising *'two-storey properties on 0.7154 hectares or thereabouts'* at Main Street, Castledermot, Co. Kildare, as set out in the Derelict Site Notice issued under Section 15 of the Derelict Sites Act 1990 (as amended) dated 11th February 2026 and on the deposited map (File No. 26-029) dated 9th February 2026, 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.
- 8.2. I am also satisfied the proposed acquisition of the subject site by the acquiring authority, particularly with respect to the lands and the buildings, which are currently in an unsightly and neglected condition, is consistent with the policies and objectives of the Kildare County Development Plan 2023-2029 specifically Objective CS O5, Objective CS O6, Policy HO P6, Objective HO O8, Objective HO O12 and Objective RE O36; and, Action UD A5 and Action RET A3. In addition, I also consider that Objective ST C3 and Objective ST C4 are relevant insofar as they relate to the settlement of Castledermot. In broad terms, these provisions seek to promote the growth and renewal of settlements, identify/address issues of dereliction in County Kildare and use statutory powers such as the Derelict Sites Act and/or Compulsory Purchase Orders.
- 8.3. However, having inspected the subject site and examined the submitted particulars, I am not satisfied that the process and procedures undertaken by

Kildare County Council have been entirely fair and reasonable. In this regard, I consider that Kildare County Council failed to establish the identity of all owners to which the subject lands relate, namely, the Estates of Audrey Dawes and the Shirley Kenny and it is also my view that the Local Authority did not afford appropriate opportunity to these owners to address and/or discuss the issue of dereliction on their lands. With this in mind, I do not consider it appropriate that the order and maps be modified, as requested by Kildare County Council, to reflect the proper ownership of the lands be considered as it is my opinion that the Local Authority has a duty and obligation to ensure that reasonable steps are followed in the acquisition of lands. In my view, the substantial revision/omission of lands subject to order at this stage is not representative of due process. Furthermore, in relation to these lands, which in my view are unsightly and neglected; I consider that the works required to address the condition of the lands are not structural or significant in nature and could be carried out within a reasonably short period of time. I consider that sufficient time should be afforded to allow the owners to undertake works to ensure this land does not continue to be a derelict site.

- 8.4. With respect to the subject building/structures, I am satisfied the process and procedures undertaken by Kildare County Council have been fair and reasonable. I consider the current condition of these buildings, which have laid vacant/unoccupied for a considerable period of time, to be unsightly and detract to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood. However, having carried out an external inspection of the subject buildings, I am satisfied that the buildings are structurally sound, watertight (with roof and windows seemingly intact but some gutters absent) and have been recently painted – albeit the buildings are in my opinion deemed unsightly due to their vacant and boarded up condition. Having regard to the nature and extent of the works required to address the condition of these properties and noting that same measures required are not structural or significant in nature, I am of the view that compulsory acquisition of these buildings is not a proportionate intervention at this time.

9.0 Recommendation

- 9.1. Notwithstanding the current unsightly and objectionable condition of the overall buildings and subject lands which detracts to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood; I have taken account of the nature and extent of works which are required to address the dereliction across the entirety of the site (buildings and land) and I have had regard to the details submitted by the respective objector(s). In this regard, I do not consider it reasonable that the Local Authority now seeks to compulsorily acquire all of the land and buildings (at this point in time), as provided by Section 16 of the Act. Therefore, I recommend that the Commission refuse consent to Kildare County Council to compulsorily acquire the subject site.

10.0 Reasons and Considerations

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

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

it is considered that, notwithstanding the unsightly condition of the buildings and the neglected appearance of the lands, the nature and extent of works which are required to address the dereliction on the overall site, that the compulsory acquisition of the site by the Local Authority is not necessary in order to render the land and structures non-derelict and to prevent these lands/structures continuing to be derelict. It is considered that the objections received from the property owner(s) can be sustained having regard to the lack of appropriate opportunity afforded by the Local Authority to the Estates of Audrey Dawes and Shirley Kenny to address/discuss the issue of dereliction on their lands and the indication of property owner(s) of intent to carry out works on lands and structures to render them non-derelict and to prevent them from continuing to be derelict. The Commisision therefore considers that the objections made can be sustained, having regard to that said necessity and that the compulsory acquisition and its

effects on the property rights of affected landowners are not proportionate to that objective and not justified by the exigencies of the common good at this time.

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.

Matthew O Connor

Planning Inspector

3rd September 2026