



An
Coimisiún
Pleanála

Inspector's Report ABP-324285-26

Nature of Application

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

Location

Tidy Terrace, St Patricks Street, Boyle, Co. Roscommon.

Local Authority

Roscommon County Council

Objector

Fiona Clarke.
Sara Curtis.

Dates of Site Inspection

22nd May 2026

Inspector

Kathy Tuck

1.0 Introduction

- 1.1. This case relates to a request by Roscommon County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Pound Street, Ballaghadereen, Co. Roscommon, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The appeal site has a stated area of 0.0343ha and is situated at Tidy Terrace, Saint Patrick Street, Boyle, Co. Roscommon. St. Patrick Street is primarily a residential street and is situated to the west of the centre of Boyle.
- 2.2. The property comprises of a two storey mid terrace dwelling which has a southern orientation and is directly addressed by the public footpath along the southern boundary. The property is served with a long rear garden to the rear which has an approximate depth of 54m. Lands to the north appear to be in agricultural use.

3.0 Application for Consent for Acquisition

- 3.1. Roscommon County Council applied to An Coimisiún Pleanála on the 13th May 2026 for consent to compulsorily acquire the subject site under section 16 of the Derelict Sites Act, 1990, as amended.
- 3.2. I note this application is subsequent to Roscommon County Council serving notices dated 30th March 2026 under Section 14 of the Derelict Sites Act 1990, as amended, on representatives of the late John and Mary Clarke, advising of the Local Authority's intention to acquire compulsorily under the said Act, the derelict site as described.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

Notice of Roscommon County Councils intention to acquire the site compulsorily was published in the Roscommon Herald on the 31st of March 2026.

The notice was sent by registered post to D representatives of the late John and Mary Clarke on the 30th March 2026.

The notices set out the address of the property with a stated site area of 0.058 ha and the location where the map of the derelict site is deposited.

The notices stated the times during which the details may be inspected.

I note that the notice published in the Roscommon Herald stated that an objection could be submitted to Roscommon County Council 'on or before the 1st May 2026.

I note that the notice sent to the registered owners specifies clearly a time within which an objection to the acquisition of the derelict site could be made.

I consider that the published notice in the newspaper is in accordance with the requirements of Section 15(1)(a) of the Derelict Sites Act 1990, as amended. Furthermore, I note that the notice sent to the registered owners of the site also accord with Section 15(1)(b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

Two no. objections were made in respect of the proposed compulsory acquisition of the subject property to Roscommon County Council. The first was received from Fiona Clarke on the 30th April 2026 and the second from representatives acting on behalf of Sara Curtis on the 1st May 2026.

The objection may be summarised as follows –

Fiona Clarke

- Beneficiary of the late Mary Clarke and have been in contact with Roscommon in relation to the subject property since 2022.
- Circumstances surrounding the property have been affected by exceptional and distressing events.
- After the passing of parents there were additional difficulties in dealing with matters relating to the care experienced by her mother.
- Wasn't informed by the health facility that her mother was declining in health during the pandemic.

- Intention was for the property to pass to her and was set out in fathers will in addition to be acknowledged by other siblings.
- However, as her mother passed away intestate resulted in property being subject to statutory rules and created complexity in the administration of estate – delays in establishing clear control of the property caused delays in progressing works required.
- Contact details were provided to the council – not aware of recent notices which were physically affixed to the property.
- Currently reside in Manchester and requested that notifications be e-mailed.
- Made several attempts to contact the council on the 28th April 2026 – advised that it was not appropriate to proceed the remedial works at this stage pending the outcome of the proposed compulsory acquisition process.
- Questioned the Local Authority official over the basis and practical implications of this valuations – including whether it constitutes a formal offer.
- Understand it is a roadside valuation - no clear understanding how this figure should be interpreted in the context of the proposed development.
- Local Authority representative would not provide an explanation of this offer.
- Lack of clarity has contributed to uncertainty as how to best proceed – reinforced the need for a coordinated and practical resolution.
- Would be preferable for these works to be undertaken in a planned and controlled manner rather than direct intervention from local authority.
- Made extensive efforts to obtain quotation from local contractors – quotes obtained were in the region of €250,000 to €400,000.
- Not economically viable in the context of the property given a fully refurbished value of c. €200,000.
- Have sought a more targeted and proportionate approach focusing on immediate remedial work to make property structurally sound.
- Secured a contractor which has provided a quotation to carry out essential works – attached to email.

- Have access to a number of experienced and qualified individuals in the building industry who are willing to help.
- In a position to fund these works – however as property forms part of an estate involving a number of beneficiaries – actively seeking to resolve this position through family solicitor.
- Request the CPO in not required.

Sara Curtis

- Mr Clarks Will left his part of the property to a family member who now considered herself to be entitled to the property.
- On-going family dispute and failing in communications.
- Disagreement between parties as to the entitlement of the property such that it has not been possible to decide as to how the property is to be dealt with.
- Mrs Clarke died with no will and as such the issue over ownership has been delayed.
- Efforts are being made to finalise this.
- Grounds of contesting the CPO are as follows:
 - Ground 1
 - Notices purported to be served were posted to the front door – Council were made aware of circumstances by Fiona Clarke.
 - Council failed to notify Fiona Clarke or any other member of the family of its intention to serve notice.
 - Local Authority failed to comply with the Derelict Sites Act 1990 – failed to make any reasonable enquiries as to the ownership of the property as is required by law.
 - An Coimisiun Pleanála has no jurisdiction to hear or consider the claim for action intended by the Council.
 - Ground 2
 - Lands are protected under Article 43 and 40.3 of the Irish Constitution.
 - Local Authority has a duty to protect and vindicate the property rights.

- Property is protected under Article 40.5 of the constitution as there has been no engagement in writing in respect of the property with those entitled to it.
 - While notices were affixed to the door those entitled to be notified live in the UK – service to notice therefore insufficient and unacceptable.
 - An Coimisiun Pleanála must decline to consider this matter until client has had an opportunity to engage with and participate in the procedure.
- Gound 3:
- No opportunity to engage with the issues as to whether it is a derelict site or not.
 - Nor to consider amongst those entitled amongst themselves in relation to the property are to be dealt with.
 - If opportunity would have been provided, they would have participated fully.
- Request that in the absence of any opportunity to engage in the process that the local authority make available all relevant documents to us for review in order for us to comment on such matters.
 - Having regard to the complexity of the situation we request that this matter does not fall to the Commission for decision.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the An Bord Pleanála (now An Coimisiún Pleanála) to the compulsory acquisition of the derelict site. The application for consent was submitted on 13th May 2026 and was accompanied by the following:

- Site Location Map
- Newspaper notice published in the Roscommon Herald on the 31st of March 2026.

A letter from Roscommon County Council dated the 11th May 2026 to An Coimisiún Pleanála for CPO of Tidy Terrace, St. Patrick Street, Boye, Co. Roscommon which sets out the following:

- Address of property.
- Folio Number.
- Owners of the site.
- A copy of an Engineers report prepared in relation to the subject site.
- A certification of independent valuation dated the 22nd December 2025 which values the property at €60,000.
- History of the notices previously issued to the owners relating to the subject site this includes:
 - A section 8(2) and Section 29 Notices which were issued by the Plannign Authority on the 9th Janurary 2023 pertaining to the subject site.
 - Email from owner dated 31st of January 2023 and response to owner dated 1st February 2023 outlining works required to be completed.
 - Email to owner dated 22nd August 2023 attaching Vacant Property Refurbishment Grant information along with re-issue of letter outlining works required to be completed.
 - Note to file dated 27th September 2024 regarding telephone conversation from neighbour of property outlining leaking coming from roof of derelict property causing damage.
 - Section 8(7) issued confirming that entry had been made to the derelict site register on the 6th March 2025 and Section 11 issued on the 6th March 2025 specifying the works to be carried out and timeframe (CE Order H/167/25). Site notice also in place.
 - Email to owner dated 27th March 2025 attaching Section 8(7) and Section 11 notices and response from owner dated 22nd April 2025 stating a structural engineering has been appointed and the intention to undertake works.
 - Various correspondence between Fiona Clarke and Local Authority along with site visit photos. Latest email dated 20th June 2025 stating a builder booked to commence work in July 2025.
 - Note to file dated 27th June 2025 outlining phone call from Fiona Clarke requesting details of how to obtain a scaffolding licence – 1st July 2025.

- Section 22 notice and notice of valuation to registered owners dated the 5th February 2026 – notice also placed on site.
- Section 23 notice to registered owners dated 12th March 2026 – notice also placed on site.
- Notice of intention to acquire derelict site compulsorily issued to registered owner on the 30th March 2026 with CE Order H/300/26 – notice also placed on site.
- Notice of intention to acquire derelict site compulsorily published in Roscommon Herald on 31st March 2026.
- Email to Fiona Clarke dated 10th April 2026 attaching recently issued notices served on property along with Dangerous Structure Notice in accordance with Section 3 of the Local Government Sanitary services Act 1964.
- Email from Fiona Clarke dated 26th April 2026 and response from Roscommon County Council dated 27th April 2026.
- Letter of objection from Fiona Clarke on the 26th April 2026.
- Letter of objection from Henry J Wynn & Co. Solicitors on behalf of Sarah Curtis dated 1st May 2026.

4.4. Objector's Submission

No submissions were received by An Coimisiun Pleanála from the objectors.

5.0 Planning History

5.1. Subject site

There is no planning history pertaining to the subject site.

6.0 Policy Context and Legislative provisions

6.1. Roscommon County Development Plan 2022-2022

- 6.1.1. Boyle is identified within the core strategy of the County Plan as being a self-sustaining town with a population of >2000. Policy CS2.13 of the Plan seeks to Ensure that

Boyle is a driver of growth and prosperity within its catchments, by consolidating the residential, retail and service bases, protecting and enhancing the distinctive town centre character and the natural landscape settings, and maximising its role for growth.

6.1.2. Policy CS2.14 seeks to prepare a Local Area Plan for Boyle within the lifetime of this Plan.

6.1.3. Section 4.8 – Derelict Sites

Policy TV 4.14 Introduce incentives to encourage the regeneration of vacant and underutilised town/village centre sites which detract from the amenity value of the area and undermine ambitions for consolidated, multifunctional settlements.

Policy TV 4.15 Continue to engage with owners of sites and properties which are vacant and or in a derelict/ruinous condition to seek to redress this. Where necessary, apply the available statutory mechanisms (Derelict Sites Act 1990) to address the impact of a derelict site/ structure upon the amenity of an area.

6.4 **Derelict Sites Act 1990 (as amended)**

6.4.1. 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.

6.4.2. 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.”

- 6.4.3. 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.
- 6.4.4. 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.
- 6.4.5. 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.
- 6.4.6. 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.
- 6.4.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.4.8. Section 15 of the Act sets out arrangements for giving notice if the Local Authority intend to acquire a derelict site compulsorily.
- 6.4.9. Section 16 of the Act sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the Local Authority without the consent of the Board.

7.0 Assessment

7.1. Site Inspection

- 7.1.1. Internal access to the property was not possible on the date of my site inspection on 22nd May 2026, however I was able to view the site from the public road.
- 7.1.2. The property was vacant and appears to be uninhabited. The property has a neglected, unsightly and objectionable appearance from the public road and the surrounding area.

7.2. Category of Dereliction

- 7.2.1. I note that while the Derelict Site Report of the Local Authority sets out the 3 no. categories included within Part 1 Section 3 of the Dereliction Act 1990, as amended, it does not identify which specific category or dereliction within which the property would fall under.
- 7.2.2. Based on my site inspection, it is my view that the subject property and lands may fall within Category (a) and (b) 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.
- 7.2.3. I refer to the definition of 'Derelict Site'.
- Having regard to the state of disrepair of the subject property I would submit that the property is derelict. At the time of site visit, the property was boarded up and access was not possible. In this regard I would consider that the property is in a dangerous condition. I submit that the property and lands falls within the definition of Section 3(a) of the Derelict Sites Act, 1990, as amended.
 - The subject property is in a state of disrepair. I submit that the property and lands have a neglected, unsightly and objectionable condition and falls within the definition of Section 3(b) of the Derelict Sites Act, 1990, as amended.
- 7.2.4. Based on my site visit I consider that the property and lands detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the land.

7.3. Action of Local Authority

- 7.3.1. The Compulsory Acquisition Report of the Local Authority submitted with the application sets out the engagement of the Local Authority with the reputed landowners between September 2023 and the issuing of the notices under Section 15 of the Derelict Sites Act, 1990 on the 31st March 2026.
- 7.3.2. The subject site was identified as being in a derelict state on the 1st November 2022 during an inspection which was undertaken by the local authority.

- 7.3.3. I note that the initial Section 8(2) and Section 29 notices were served on the reputed owner on the 9th of January 2023. This notice was also emailed to the owner.
- 7.3.4. A response was received from the owner on the 31st January 2023 which requested the details of what works were required to be undertaken.
- 7.3.5. The owner was further notified that a concern with regard to a leak from the property had been reported to the Local Authority from the neighbouring property owner on the 22nd August 2023.
- 7.3.6. On the 6th March 2025 a second Section 8(2) and Section 29 notice was served on the reputed owners and the property was also entered into the Derelict Sites Register.
- 7.3.7. A second response was received from Fiona Clarke on the 22nd April 2025 which apologised for not responding to the letter received on the 27th March 2025 and notes that the house is currently uninhabitable at present. The email states that a structural engineer has now been appointed and that the wheels have been set in motion to undertake the necessary works. Further correspondence was received from the owner on the 20th June 2025 which states that she has engaged a building to start works on the property in July. On the July 1st more correspondence was received requesting a scaffolding license.
- 7.3.8. On the 22nd of December 2025 the property was valued at €85,000. A section 22 notice was issued to the owner on the 5th of February 2026 setting out the market value of the property.
- 7.3.9. The third Section 8(2) notice was served on the reputed owners on the 30th March 2026 and subsequently affixed to the property on the 30th March 2026.
- 7.3.10. On the 30th of March 2026, Roscommon County Council, served a Notice of Intention to Acquire the Derelict Site Compulsorily under Section 14 of the Derelict Sites Act, 1990, as amended, by registered post, on the representatives of the late Marie and John Clarke .
- 7.3.11. This notice was also published in the Roscommon Herald on the 31st of March 2026.
- 7.3.12. I note that objectors to this CPO have stated that the Local Authority did not act within the requirements of the Derelict Sites Act as they failed to undertake an appropriate level of investigation to find out who the owner of the site were after the passing of

Marie and John Clarke. It is further argued that they were made aware of the situation by Fiona Clare.

- 7.3.13. I note that the Section 8 and Section 11 issued in January 2023 and December 2025 were also issued by email to Fiona Clarke and it is clear that given the objections made that the owners were made aware of the situation.
- 7.3.14. 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.
- 7.3.15. 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”.
- 7.3.16. As outlined in the report of the Local Authority, Roscommon County Council have demonstrated active engagement with the owners since in relation to the derelict state of the property with the property being on the Derelict Site Register since the January 2023.
- 7.3.17. It is evident that Roscommon County Council have attempted to address the issue of dereliction of the property over a period of time.
- 7.3.18. As I have previously noted, the letters issued to the reputed owners set out that Roscommon County Council takes a proactive approach with property owners to bring vacant homes back into use by detailing the exact works required.
- 7.3.19. The subject site has been in a state of disrepair for a considerable period of time. I note from review of the Derelict Site Report prepared by Mayo County Council on the 8th November 2023 that there is evidence that this property has been derelict for a period of more than 3 years.
- 7.3.20. I consider that the need and interest of the common good would be met by the proposed acquisition of the subject property. I consider that the proposed compulsory acquisition of the subject property would be proportionate to the end to be achieved.
- 7.3.21. Having regard to the foregoing, together with the condition of the property, 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. The subject site is located along Pound Street within Ballaghadereen which is identified within the core strategy of the County Plan as being a self-sustaining town. The site is also situated within a Architectural Conservation Area.
- 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. The condition of the property came to the attention of the local authority during a site visit on the 1st November 2023.
- 7.5.3. Since then, 3 no. letters issued from Roscommon County Council to the reputed owners. The response received from the representative of the late Marie and John Clarke, Fiona Clarke has stated that she has intended to undertake the works. It was stated in one email that a builder had been obtained to start work in July 2025. It appears that this work never commenced.
- 7.5.4. I note that within the objection received from Fiona Clarke it was stated that she has now secured a contractor who has provided a quotation which was attached to the correspondence. I note that from a review of the file that the quotation was not available to me. It is further stated that the works cannot progress until such time that the estate of her late parents is settled.

- 7.5.5. Overall, however I would argue that no supplementary information has been included to demonstrate what has been the implementation of any works to reinstate the houses or a detailed breakdown of the works which have been undertaken thus far. I also contend that the owners have not set out any specific timelines for a schedule of works and anticipated completion date. While I accept the sensitivity of the ongoing legal issues, given that that the property has been in a state of disrepair since the 1st inspection of the local authority on the 1st of November 2022, there has been able opportunity to have these works completed.
- 7.5.6. The property has been on the Derelict Sites Register since 9th of January 2023 (PA Ref. DS 51-2022). I do not consider that there is sufficient evidence of any significant works that have been undertaken or that would be undertaken in the short term that would render the site non-derelict.
- 7.5.7. Having regard to all of the information available 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 Roscommon County Council have been fair and reasonable, that the local authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 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 dwelling with a stated site area of 0.0343 hectares, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 30th March 2026 and on deposited map reference Tidy Terrace, St Patricks Street, Co Roscommon F52 EY93 -DS 51/2022', 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 also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the

objective referred to in the submissions to the Commission and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.

- 8.4. The effects of the proposed compulsory acquisition on the rights of 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 Roscommon County Development Plan 2022-2028.
- 8.5. Accordingly, I am satisfied that the grant of consent to compulsory acquire these lands is clearly justified by the exigencies of the common good.

9.0 Recommendation

- 9.1. Having regard to the observed condition of the application site, in particular the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, the neglected, unsightly and objectionable state of the land and structure thereon and 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, 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 Roscommon County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

Having regard to the structures which are in a ruinous, derelict or dangerous condition, the neglected, unsightly and objectionable state of the land and structure thereon and 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, having considered the objection made to the compulsory acquisition, and also:

- The constitutional and convention protection afforded to property rights,
- The public interest, and
- The provisions of Roscommon County Development Plan 2022-2028,

It is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in section 3 (a) and (b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the Local Authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good

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

Kathy Tuck

Planning Inspector

22nd July 2026