Inspector's Report

ACP-324333-26

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	Corner of Erin Street and O'Connell Street, Kilkee, Co. Clare
Planning Authority	Clare County Council
Notice Party	Diarmuid Keane & Associates LTD on behalf of Mary Clancy
Date of Site Inspection	4th of August 2026.
Inspector	Carol Hurley

1.0 Introduction

1.1. This case relates to a request by Clare County Council for the consent of An Coimisiun Pleanala to the compulsory acquisition of the subject site on the corner of Erin Street and O'Connell Street, Co. Clare, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

2.1. The subject site is located at the southern end of Erin Street on the corner with O'Connell Street.

2.2. The subject property is a two-storey corner building which adjoins the buildings on O'Connell Street. The site has a stated area of 0.035 hectares.

2.3. The building is dual frontage, addressing Erin Street with a north westerly orientation and O'Connell Street with a southeasterly orientation.

2.4. The building has a hipped roof profile with standard window and door opes on the northwestern elevation. The southeastern elevation addressing O'Connell Street contains a standard type of door at ground floor level but appears to have been in use at one stage as a tourist office. At first floor level there is a large projecting bay window, this matches the features of the adjoining building to the east.

2.5. At time of site visit I observed the following in relation to the property;

On the side (northwest) elevation,

- There were two significant cracks between the upper floor windows and the ground floor window and door on the northern part of the elevation.
- The render on the wall associated with the rear garden area was in a state of disrepair and the paint work was peeling.
- The timber door on the wall associated with the rear garden area requires treatment and repainting.
- The paintwork / render on the northern part of this elevation, including the wall of the rear access was in a state of disrepair, is peeling and discoloured from the window at the gutter at street level.

- The windowsill at ground floor level was crumbling
- The southern part of this elevation consisted of part original wall with recently completed blockwork construction inside. This block work was exposed and the finish between the existing and new construction was not complete. The corner section of the building was in a poor state.
- New windows have been added at ground floor level however the opes at first floor level were boarded up with timber and no glass in place.
- There were water marks on the footpath from the sagging gutter at eaves level above.
- There was vegetation growing in the downpipe.
- There is no corner joining between the gutter on the northwestern elevation and the gutter on the southeastern elevation.

On the front (southeastern) elevation

- There are two substantial cracks in the render on each side of the access door.
- The effects of the works on the side elevation were encroaching onto this elevation with the dishevelled corner of the building and cracked render.
- A ridge cap is missing from the northwestern roof slope.
- Material associated with the bay window appears to be loose, i.e. flashing
- The woodwork associated with the bay window needs repair.
- The material on the access door is bubbling and in general need of maintenance.
- The paintwork on the walls is peeling and in need of refreshing.
- The remnants of the old shop signage are loose on the wall, worn and in need of replacement, if being kept.

Based on comparison of the photographs attached to the Local Authority's Compulsory Acquisition Report (photographs dated July 2025) I note that no works or improvements have been carried out at the subject property, since that date.

2.6. The subject site is located within an Architectural Conservation Area but is not a Protected Structure and is not listed on the National Inventory of Architectural Heritage (NIAH).

2.7. There is a deep paved hardstanding area to the front of the subject unit which wraps around an area of off-street car parking. At time of site visit, this area was occupied with dining tables and umbrellas, likely being used by the adjoining restaurant/ bar. I note that some of the street furniture was placed to the front of the subject property.

2.8. At time of site visit on a Monday afternoon in August, Kilkee was busy with tourists, and the adjacent Stella Maris Hotel appeared to have a steady flow of patrons within the restaurant. The beach and surrounding streets of O'Curry Street and Strandline were also noticeably busy.

3.0 **Application for Consent of Acquisition**

3.1. Clare 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.

3.2. I note that this application is subsequent to the serving of notices as follows;

- Section 8(2) Notice of the Derelict Sites Act 1990 served on the 3rd of July 2025.
- Section 8(7) Notice of the Derelict Sites Act 1990 served on the 1st of August 2025.
- Section 15(1)(a) Notice published in The Clare Champion on the 24th of April 2026.
- Section 15(1)(b) Notice dated the 24th of April 2026 sent by registered and ordinary post.

I note that between 2014 and 2016 the owner was previously subject to the following;

Section 8(2) notice issued on the 17th of April 2014 which required the following works;

- Repair existing plasterwork on front and side elevations
- Clean down and paint front and side elevation
- Paint gate on the side (Erin Street) elevation.

Section 11 Notice issued on the 23rd of March 2016 which required the following works;

- Repair existing plaster work on the side elevation
- Clean down and paint side elevation
- Fit new door on Erin Street elevation to match the existing
- Replace broken glazing with new glazing on side elevation.

(I note from the information contained within the subject application that the file on the subject site was closed in 2018 following the painting of the property by the owner)

4.0 **Application and Objection**

4.1. Notice of Intention to Acquire

Notice of Clare County Councils intention to acquire the site compulsorily was published in The Clare Champion on the 24th of April 2026.

The notice was sent by registered and ordinary post to Richard and Mary Dunne on the 24th of April 2026.

The notices set out the address of the property with a stated site area of 0.035 hectares and the location where the map of the derelict site is deposited.

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

The notices set out the timeframe for the making of an objection, i.e. on or before one month and one day from the date of notice.

I consider that the published notice in the newspaper and the notice sent by post to the reputed owners are in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

The reference of the Planning Authority for the subject site is DS 14-19.

4.2. **Objection to Acquisition**

An objection to the proposed acquisition was submitted to Clare County Council by Mary Clancy on the 19th of May 2026 (date stamp).

The objection can be summarised as follows;

- Ms. Clancy has been the registered owner since the 4th of May 2001.

- The property has been neglected due to several reasons, including health and financial.
- Clare County Council made contact in February 2021 in relation to the structurally unsound gable wall addressing Erin Street.
- Once COVID restrictions had been lifted, works to make the wall safe were undertaken by the reputed owner at considerable cost.
- This demonstrated a willingness on the reputed owner's part to work with the Council.
- The builder subsequently took ill which added more complexity to getting works finalised.
- As this matter was partially resolved, the reputed owner has been unable to progress the works due to personal reasons.
- Prior to the letter of Clare County Council on the 23rd of April 2026, the reputed owner had engaged a BER Assessor who prepared a proposal for energy upgrades. The assessor had filed the report with SEAI on the 11th of April 2026. The assessor issued the reputed owner with a proposal for energy upgrade works. (A copy of this report has been enclosed)
- The reputed owner is reviewing this in conjunction with the Derelict Property grant available to minimise financial outlay.
- To progress the project and repair and renovate the property to make it habitable again, the following is proposed;
    - Apply for Derelict Property Grant
    - Apply for the SEAI approved grant
    - Have secured a Green Loan to progress the works
    - Undertake a general tidy up of the property exterior immediately.

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 submitted on the 2nd of June 2026 and was accompanied by the following;

- Compulsory Acquisition Map (Site Location Map)
- Newspaper notice published in the Clare Champion on 24th of April 2026.
- Detailed Local Authority Report including;
    - Copy of letter dated the 17th of April 2014 referring to the issue of the Section 8(2) notice to Mary Clancy.
    - Copy of letter dated the 8th of May 2014 referring to a response received from Mary Clancy and acknowledging the intentions for the site and the potential for further action to be taken under the Derelict Sites Act 1990.
    - Copy of letter dated the 5th of August 2014 to Mary Clancy advising that a site visit would be undertaken in August 2014 in relation to the works required under the Section 11 Notice.
    - Copy of letter dated the 23rd of March 2016 to Mary Clancy noting the site being on the Derelict Site Register, acknowledging that some works have been undertaken and the enclosure of a Section 11 Notice. The letter also advised that the Council has been in correspondence with the owner since 2014.
    - Copy of report of Clare County Council dated the 23rd of February 2017 recommending that a Section 11 Notice be issued to the known owner.
    - Copy of letter dated the 28th of March 2017 from Clare County Council to Mary Clancy noting that the works required under the Section 11 Notice issued on the 23rd of March 2016 were still outstanding.
    - Copy of letter dated the 29th of August 2017 from Clare County Council to Mary Clancy requesting contact to be made with the Local Authority to arrange a meeting on site to discuss what works are necessary to render the property non-derelict.
    - Copy of report of Clare County Council dated the 8th of July 2024 noting that the file was closed in 2018 as the owner had painted the property. The report noted the condition of the site and contended that it satisfied the definition of a Derelict Site. Recommend that a first letter issue to the owner to begin communication.

- Copy of letter dated 28th of November 2024 from Clare County Council to Richard and Mary Dunne offering an opportunity to discuss proposals the owners might have for improving the condition of the property and the timeframe for same. Proposals would be considered prior to the Council taking action under the Derelict Sites Act 1990. The letter included details in relation to the Vacant Property Refurbishment Grant.
- Copy of letter dated 21st of January 2025 from Mary Clancy to Clare County Council setting out an intention to complete a refurbishment and avail of grants. A query was made in relation to the Vacant Homes and Derelict Top-Up. The owner had registered with DKA architects and was awaiting a callback which could take a few weeks, therefore no timeframe for completion of works could be provided.
- Copy of letter dated 23rd of January 2025 from Clare County Council acknowledging the letter from Richard and Mary Dunne, referring to the intention to apply for the Vacant Home Refurbishment Grant and that the owners had registered with DKA (Architects). Contact details were provided for the Vacant Homes Team and a request was made for the owner to inform the Local Authority when the owner had engaged with the architect regarding a timeline for proposed works to be completed, in order to deem the site non-derelict.
- Copy of Section 8(2) Notice issued to Richard and Mary Dunne on the 3rd of July 2025.
- Copy of Section 8(7) Notice issued to Richard and Mary Dunne on the 1st of August 2025.
- Copy of letter dated the 20th of January 2026 issued by Clare County Council to Richard and Mary Dunne which refers to the notice of valuation issued on the 26th of September 2026 and advising that as no improvement works have been undertaken and the property is on the Derelict Site Register, a Derelict Site Levy is payable. This letter also advises of the potential for the site to be compulsorily acquired.
- Copy of report of Clare County Council dated the 9th of February 2026, noting the history and the initial engagement by the owner prior to the issuing of the Section 8(2) notice. By letter dated 21st of January 2025,

the owner said they would engage DKA and would apply for the Vacant Property Refurbishment Grant. No application for the grant was made, and no appeal was made against the notice of valuation under Section 22 of the Act which issued in September 2025. Recommend proceeding with necessary steps for CPO procedure under Section 15 of the Derelict Sites Act, 1990.

  - Copy of Chief Executives Order dated the 9th of February 2026 under Section 15 of the Derelict Sites Act of Notice of Intention to Acquire Compulsorily the property.
  - Copy of Section 15 Notice of Intention to Acquire Derelict Site Compulsorily served on Richard and Mary Dunne dated the 24th of April 2026.
- Copy of objection made by Mary Clancy to Clare County Council dated the 19th of May 2026.

Report entitled 'Clare County Council Reference No. DS 14-19 Derelict Two Storey terraced building on the corner of Erin Street and O'Connell Street, Kilkee, Co. Clare V15 VX56 the report can be summarised as follows;

- Description of the location of the site.
- Details of the history of actions taken on the property as a derelict site.
- The site was first identified as being derelict in 2014.
- The file was opened in 2014 as both a derelict site and a dangerous structure.
- In 2017 works were undertaken to paint the property which did improve the appearance for several years.
- There is part of the building which has been rebuilt but remains with exposed blocks and is not plastered.
- Two new windows have been fitted at ground floor level however the upper floor windows remain boarded up.
- Due to the location of the site in the vibrant tourist town of Kilkee, the site has the potential for redevelopment for retail / coffee shop with residential overhead or residential in one part of the overall building at both levels as there is a separate entrance.
- The property detracts greatly from the other properties in the area.

- It is considered that the site is a Derelict Site as defined by Section 3 of the Derelict Sites Act, 1990, for the following reasons;
    - The existence on the land in question of structures which are in a ruinous, derelict, dangerous condition, or
    - The neglected, unsightly or objectionable condition of the land or any structure on the land in question or
    - The presence, deposit or collection on the land in question, of any litter, rubbish, debris, waste, except where the presence, deposit or collection of such results from the exercise of a right conferred by or under statute or by common law, or licence.
- Sets out that there was much engagement with the owner between the years 2014-2016 and some works were undertaken to make the property safe, the property was still left in a condition that could have been considered derelict and was left vacant.
- A copy of an extract from a Clare County Council Report provides a breakdown of engagement between 2014-2016.
- A new Derelict Sites Team was established in Clare County Council in April 2024.
- The property was inspected and it was recommended that initial engagement recommence with a letter rather than a notice. The letter also advised of new grants introduced in 2022.
- In November 2024 a letter was issued to the owners advising of the concerns regarding the derelict site and requested the owner's engagement in addition to provided information on the Vacant Property Refurbishment Grant.
- In January 2025 the owner wrote to the Council to advise of their intentions for a complete refurbishment of the property and avail of grants. The owner has registered with an architect however no timeframe could be provided at this stage.
- A response was issued from Clare County Council advising the owner of the contact details for the Vacant Property Refurbishment Grant. A time-frame for completion was requested.

- In March 2025 a site visit was undertaken, and no improvement works were noted. The Vacant Homes Team advised that no grant application had been received.
- In April 2024, Clare County Council received a complaint in relation to the condition of the property and its impact upon the Town Square.
- In May 2025, Clare County Council sought an update from the architect that the owner had registered with however it was advised that the architect had no instructions in relation to the property in question. It was recommended that a Section 8(2) notice be issued.
- Section 8(2) notice issued in July 2025.
- No written submission had been received, and a Section 8(7) Notice was served on the 1st of August 2025. There was no engagement from the owner following this notice.
- A Valuation of the property was undertaken in September 2025.
- On the 26th of September 2025, the notice under Section 22(3) (valuation) informing the owner of the valuation was issued and details of how to appeal it.
- On the 20th of January 2026, the derelict sites levy bill issued for 2026 and remains unpaid.
- The property does not have a registered Folio Title. It cannot be ascertained if there are any burdens on the property.
- In February 2026, a review of all interaction with the owners since 2014 was undertaken, the notices served, consideration that some works had been undertaken and save for one communication, the overall lack of engagement following the issuance of the Section 8(2) Notice in January 2025 and no engagement up to February 2026 and no grant application received in respect of the property, no works have been undertaken to render the property non-derelict and in line with national and local policy, a recommendation was made to proceed with the Compulsory Acquisition of the Property.
- Following the issuance of the Notice of the Intention To Acquire the Derelict Site, the architect acting on behalf of the owner contacted Clare County Council to state that an appeal would be made and the owners would be applying for the Vacant Property Refurbishment Grant. The agent was advised that any appeal should include definite timelines.

- Clare County Council received an objection from Mary Clancy, the owner on the 19th of May 2026.
- The five grounds of objection are as follows;
    - The property has been somewhat neglected due to health and financial issues.
    - Clare County Council was in contact in 2020 regarding the structurally unsound gable wall and following the lifting of COVID restrictions these works were completed at considerable cost. This demonstrated a willingness on the owner's part to work with the Council. The builder took ill while undertaking the works which added to the complexity of completing the works.
    - The owner has been unable to progress the work to date due to financial and health reasons which occurred during 2024 and 2025.
    - Prior to the issuing of the letter on the 23rd of April 2026 by Clare County Council, the owner had engaged a BER Assessor who had filed the report with SEAI on the 11th of April 2026. The owner was issued with a proposed for energy upgrade works which they are reviewing in conjunction with the Derelict Property Grant to minimise financial outlay.
    - To progress the project to repair and renovate the premises to make it habitable the following is proposed;
        - Apply for the Derelict Property Grant
        - Apply for SEAI approved grants
        - Have secured a Green Loan to progress the works
        - Undertake a general tidy up of the property exterior immediately.
- It is reasonable to expect that an application for the Vacant Property Refurbishment Grant could have been made long before now.
- The owner was notified of the Grant in November 2024.
- No timeline has been proposed for the first three actions in their objection.
- An inspection will be carried out in the coming month to ascertain if the tidy up has been done however this property needs a complete redevelopment/ refurbishment to render it non derelict.
- No effort has been made by the owner to discharge the liability of the derelict site levy.

- The relevant National Policy, Development Plan Policy and Legislative Context is set out.
- Dereliction is a key issue raised by Elected Members and Oireachtas Members through Notices of Motion and debate at Council meetings. The Council is consistently taking action on other derelict properties in Kilkee and County. Reference is made to the recent compulsory acquisition of a property not far from this site on Erin Street which was also identified in 2014.
- The compulsory acquisition of this site is justified in the public interest.
- All alternative methods of activation under the Derelict Sites Act 1990 or incentives such as grants currently available have not resulted in the owner taking responsibility for rendering the property non-derelict.
- Request An Coimisiún Pleanála to confirm the compulsory acquisition for the following reasons;
    - The property has been derelict for 12 years.
    - The owner has taken no significant action in the last 17 months despite the level of engagement. It is only when the CPO was initiated that the level of activity or option of applying for the grant to refurbish the property has been proposed.
    - No application for the Vacant Property Refurbishment Grant has been submitted.

4.4. Objectors Submission

On the 19th of June 2026, An Coimisiún Pleanála received a submission prepared by Diarmuid Keane & Associates on behalf of Mary Clancy. The submission can be summarised as follows;

- Requests that An Coimisiún Pleanála refuse consent to the proposed compulsory acquisition and instead allow a reasonable period within which the property can be restored and returned to productive use by the existing owner.
- Ms. Clancy accepts that the property has fallen into condition which has given rise to concerns on the part of Clare County Council.

- The circumstances that have given rise to that condition have been exceptional arising from a combination of personal issues, e.g. health and financial pressures.
- Of importance, those circumstances have now materially changed, and the owner is willing and capable of carrying out the necessary refurbishment works.
- It is set out that the purpose of the submission is not to dispute the Council's concerns but rather demonstrate that the compulsory acquisition is neither necessary nor proportionate in the circumstances now prevailing.
- The property is not for speculative purposes.
- The long-term ownership of the building is evidence that there has never been an intention to neglect the building permanently or to allow it to remain vacant indefinitely.
- The impact of medical issues on the family's capacity, resources and ability to manage a substantial refurbishment project cannot be overstated.
- An Coimisiún Pleanála should give significant weight to the genuine and documented nature of the health difficulties.
- Given the nature of the intervention of the compulsory acquisition, before such a measure is endorsed, An Coimisiún Pleanála should consider whether the exceptional personal circumstances provide a reasonable explanation for the delay and whether those circumstances continue to exist. In this case those circumstances have now improved sufficiently to allow the owner to proceed with refurbishment works.
- Financial pressures restricted the family's ability to undertake a major redevelopment project. Notwithstanding this, the owner incurred considerable expenditure in undertaking works required to address structural concerns associated with Erin Street gable wall. This demonstrated a willingness to engage with the Council and invest in the property. This demonstrates that there has never been a refusal to engage with the issues affecting the property.

- A critical consideration is that the owner has now moved beyond expressions of intention and has taken tangible steps towards the redevelopment of the property.
    - A BER assessment had been commissioned and completed.
    - Actively investigated the Vacant Property Refurbishment Grant, SEAI Supports and other funding mechanisms intended specifically to facilitate the restoration of vacant and derelict buildings.
    - The owner has engaged with a local building contractor with a view to commencing upgrade/repair works on the property.
    - The owner has provided an affidavit setting out a clear programme for the refurbishment and reactivation of the building. The affidavit commits to the completion of Phase 1 external works including windows, doors, plastering and roof repairs by the 31st of December 2026 and the completion of Phase 2 (internal) by 30th of June 2027. Contends that this affidavit fundamentally alters the circumstances of the case. The owner formally commits to act and has provided a defined timetable for doing so.
- In terms of proportionately, where the owner has demonstrated a genuine commitment to refurbishment and where a realistic and achievable timetable has been provided, compulsory acquisition ceases to represent the least restrictive means of achieving the public objective.
- The objective identified by National and local policy is not acquisition for its own sake, rather the elimination of dereliction and the return of buildings to productive use. If this objective can be achieved through refurbishment by the existing owner, the rationale for compulsory acquisition is substantially weakened.
- An Coimisiún Pleanála is requested to consider whether the public interest would be better served by allowing the owner an opportunity to implement the proposed programme of works rather than depriving their ownership of a property that she has held since 2001.

- Notes the national and local policy and submits that the refurbishment would directly advance those policies. Refusal of the compulsory acquisition would not frustrate the policies but would facilitate their achievement through the voluntary actions of the owner.
- In terms of public interest, notes the prominent location of the site and the restoration of the property would contribute to the character and vitality of the town, but this does not necessarily have to be achieved through compulsory acquisition.
- There is public interest in respecting property rights where owners are willing and able to remedy existing issues.
- The owner is now in a position to undertake the necessary works and has committed to do doing within a specified timeframe. Allowing that process to proceed would achieve the public objective of regeneration while avoiding the significant interference with private property rights.
- The compulsory acquisition would be premature, disproportionate and unnecessary.
- Requests that An Coimisiún Pleanála refuse Clare County Councils application for consent to compulsory acquisition under Section 16 of the Derelict Sites Act as amended and instead afford the owner a reasonable opportunity to implement the refurbishment programme now proposed.

4.5. Oral Hearing

No request has been received for an Oral Hearing.

5.0 **Planning History**

5.1. A search of the Local Authority planning register website on the 22nd of September 2026 indicated no relevant planning history associated with the subject site.

6.0 **Policy Context**

6.1. Clare County Development Plan 2023-2029 is the operative plan for the area and came into effect on the 20th of April 2023. Variation No. 1 was made on the 8th of June 2026 and became effective from that date.

6.1.1. The site is located within Kilkee which is designated as a Small Town which has a role of an important service centre and tourism resort.

The site is zoned 'Mixed Use.' The Development Plan sets out that *the use of land for mixed use developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having regard to the particular character of the given area. On lands that have been zoned Mixed Use in or near town or village centres, a diverse range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted.*

The site is located with the designated town centre area.

The site is located within a designated Architectural Conservation Area.

The indicative route of the West Clare Railway Greenway would traverse O'Connell Street in an east-west axis to the southeast of the subject site.

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

Section 4.2.2 Compact Growth

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

CDP5.2 Facilitating the Housing Needs of the Population

It is an objective of Clare County Council:

a) To facilitate the housing needs of the existing and future population of County Clare through the management of housing development throughout the county in accordance with the urban and rural settlement strategy;

b) To monitor and review the effectiveness of the housing strategy in meeting and resolving identified housing needs; and,

c) To prioritise the reuse of existing housing stock in the plan area and the renovation and re-use of obsolete, vacant and derelict homes.

Section 5.2.2 Living in our Towns and Villages

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

CDP 5.3 Living in our Towns and Villages

It is an objective of the development plan:

a) To encourage the reuse of upper floors above commercial premises for residential accommodation;

b) To promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses;

c) To encourage the development of new residential accommodation in or adjoining town centres and to ensure that such developments provide a range of accommodation types and tenures and a high level of residential amenity;

d) To support the procurement of vacant town centre residential property by Clare County Council to ensure its continued use for residential purposes into the future; and,

e) To support opportunities for the delivery of serviced sites for housing within towns and villages.

7.1 Strategic Aims

To fully examine mechanisms that will assist in bringing forward and delivering the development of town centre sites as well as the redevelopment/rejuvenation of underutilised, vacant and derelict sites for appropriate town centre uses.

CDP9.14 Urban Tourism

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

CDP17.1 Town and Village Centre Vibrancy

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

Section 17.2.10 Derelict Sites

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

CDP17.10 Derelict Sites

It is an objective of Clare County Council:

a) To use all mechanisms available to it as appropriate and to work with Derelict Site owners to identify opportunities to bring derelict sites back in to use;

b) To use the Derelict Sites Act 1990 where appropriate to require owners of derelict property to carry out suitable improvements, and to implement the provisions of the Act to prevent or remove injury to amenity arising from derelict sites;

c) To prepare improvement plans and design briefs for larger derelict areas incorporating an Invasive Alien Species Management Plan if deemed necessary; and,
d) To seek to acquire properties which are appropriate to the Council's Capital Programme in order to carry out improvements to derelict sites and revitalise the surrounding areas in compliance with the objectives and requirements of the Habitats Directive and in a manner which protects other sites or habitats of national, regional or local importance.

West Clare Municipal District Settlement Plans, Volume 3d.

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

General Objectives

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

Placemaking and Regeneration

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

requirements of the National Planning Framework (NPF) and Regional Spatial and Economic Strategy (RSES). The Council recognise the importance of active land management in order to aid the continued regeneration and enhancement of the town and to address any issues of vacancy and dereliction.

It is an objective of the Council:

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

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

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

6.2.2. Section 3 of the Act defines ‘derelict site’ as:

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

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

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

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

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

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

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

6.2.6. Section 11 of the Act enables Local Authorities to serve notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.

6.2.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.

6.2.8. Section 15 of the Act sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.

6.2.9. Section 16 of the Act sets out if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the Local Authority without the consent of the Commission.

7.0 **Assessment of Issues**

7.1. Site Inspection

7.1.1. Internal access to the property was not possible on the date of my site inspection on the 4th of August 2026, however I was able to view the site from the public road to the northwest of the site along Erin Street and to the southeast of the site along O'Connell Street.

The property appeared vacant with a neglected appearance from the public road and the surrounding area.

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

On the side (northwest) elevation,

- There were two significant cracks between the upper floor windows and the ground floor window and door on the northern part of the elevation.
- The render on the wall associated with the rear garden area was in a state of disrepair and the paint work was peeling.
- The timber door on the wall associated with the rear garden area requires treatment and repainting.
- The paintwork / render on the northern part of this elevation, including the wall of the rear access was in a state of disrepair, is peeling and discoloured from the window at the gutter at street level.
- The windowsill at ground floor level was crumbling
- The southern part of this elevation consisted of part original wall with recently completed blockwork construction. This block work was exposed and the finish between the existing and new construction was not complete. The corner section of the building was in a poor state.
- New windows have been added at ground floor level however the opes at first floor level were boarded up with timber and no glass in place.
- There were water marks on the footpath from the sagging gutter at eaves level above.

- There was vegetation growing in the downpipe.
- There is no corner joining between the gutter on the western elevation and the gutter on the southeastern elevation.

On the front (southeastern) elevation

- There are two substantial cracks in the render on each side of the access door.
- The effects of the works on the side elevation were encroaching onto this elevation with the dishevelled corner of the building and cracked render.
- A ridge cap is missing from the western roof slope.
- Material associated with the bay window appears to be loose, i.e. flashing
- The woodwork associated with the bay window needs to be treated and repainted.
- The material on the access door is bubbling and in general need of maintenance.
- The paintwork on the walls is peeling and in need of refreshing.
- The remnants of the old shop signage are loose on the wall, worn and in need of replacement, if being kept.

7.1.3. The subject site is located within an ACA and situated within a prominent location northeast of the junction where O'Connell Street, O'Curry Street and Strandline meet, is heavily trafficked being a main route to the beach and surrounding areas. I note that the surrounding buildings are maintained to a good standard.

7.2. Category of Dereliction

7.2.1. Within the Derelict Site Report, I note the Local Authority considered that the property and lands fall under Category(a) and (b)

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

(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, waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

7.2.2. I note the definition of 'Derelict Site' above,

7.2.3. Based on my site inspection, it is my view that the condition of the structure overall, 'demonstrably detracts to a material degree from the amenity, character and appearance of the land in the vicinity of the site to an unacceptable degree, that would render it derelict under Section 3 of the Act.

- In relation to Section 3(a), having regard to the visible cracks in the render on the southwestern (side) and southeastern (front) elevation in addition to the incomplete structural works, exposure of existing construction material on the corner, sagging gutter and missing ridge cap I do consider that the structure falls within the definition of Section 3(a) of the Act; the building does display signs of a derelict and dangerous condition.
- In relation to Section 3(b), the incomplete wall structure, the woodwork, paintwork and render being in significant need of repair, the blocked up opes, loose gutters and vegetation within and the remnants of old shop signage. I submit that the property has a neglected, unsightly and objectionable condition and falls within the definition of Section 3(b) of the Derelict Sites Act, 1990, as amended and is of an extent or significance that it detracts to a "material degree" from the amenity, character or appearance of the land in the neighbourhood.
- In relation to Section 3(c), I note that there was no presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit of collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

Based on my site visit I consider that the property detracts to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question.

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 with the reputed landowners between an overall period since April 2014 and March 2016 and November 2024 and April 2026 with the issuing of the Notices under Section 15 of the Derelict Sites Act, 1990.

7.3.2. I note that the subject site was originally identified as being derelict in April 2014 with the subsequent issuing of a Section 8(2) Notice, Section 8(7) Notice and a Section 11 Notice. Based on a report prepared by Clare County Council in July 2024, it is stated that the file was closed in 2018 as the owner had painted the property. The same report noted that the painting which had been undertaken in 2018 was at this point dirty and peeling in places.

7.3.3. It appears that in or around 2020-2022, Clare County Council contacted the owner regarding the unstable gable wall and the need to address same. This work was partially completed by the owner. The Derelict Site Report accompanying the current application does not provide detail on these works, albeit such works appears to have been required on foot of a dangerous structure notice.

7.3.4. Following the establishment of a new Derelict Sites team in Clare County Council in 2024, in April 2024 this property was reinspected and considered to be derelict.

7.3.5. Prior to issuing a notice Clare County Council initiated engagement with a letter, which also advised the owners of new grants (Vacant Property Refurbishment Grant) which were introduced in 2022. This letter also set out that any proposals of the owner to address the condition of the property would be considered prior to the Council taking any action under the Derelict Sites Act 1990.

7.3.6. I note that in January 2025 the owner had stated by letter of their intention to complete a refurbishment of the property and avail of grants.

7.3.7. As per the Derelict Site Report, Clare County Council sought an update from the architects that were stated to have been engaged by the owner, but such architects had no instructions in relation to the property. Clare County Council subsequently decided following the passing of 4 months of inaction since the commitments were made by the owner to issue a Notice under Section 8(2) of the Derelict Site Act.

7.3.8. Clare County Council issued a Section 8(2) Notice on the 3rd of July 2025. As no written submission has been received by Clare County Council in respect of the issued Section 8(2) notice, a Section 8(7) Notice was issued on the 1st of August 2025 with the property being placed on the Derelict Sites Register. approximately 15 months after the site has been revisited following the establishment of the new Derelict Sites Team.

7.3.9. Clare County Council received no engagement from the owner following this notice.

7.3.10. On the 26th of September 2025, a notice issued to the owner under Section 22(3) of the Derelict Sites Act 1990. No appeal by the owner was made to the Valuation Tribunal.

7.3.11. Notices under Section 15 of the Derelict Site Act, 1990 as amended, were issued to the reputed owners and published in the Clare Champion on the 24th of April 2026.

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

7.3.13. 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”.

7.3.14. As outlined in the report of the Local Authority, Clare County Council have demonstrated consistent engagement with the owners, initially in 2014 and since November 2024 in relation to the objectionable state of the property with the property most recently being placed on the Derelict Site Register since August 2025.

7.3.15. I note the objection of the owner. Nonetheless, the Local Authority has afforded the owner approximately sixteen months since the reactivation of engagement on the site and the issuing of the notices under Section 15, to provide details of plans to restore the site to an acceptable condition. Having regard to the foregoing, I am satisfied that the Local Authority gave the owner sufficient time and opportunity to address the dereliction.

7.3.16. It is evident that Clare County Council have attempted to address the issue of contended dereliction of the property.

7.3.17. The Derelict Site Report of the Planning Authority contends that the property is capable of being refurbished for residential, retail / coffee shop. The report of the Local Authority dated the 9th of February 2026 states that following acquisition the Council would dispose of the property or assess if it is suitable for social housing or other local authority uses. Any disposal would be subject to the approval of the Elected Members and the purchaser being given a specific time period to render the property non-derelict.

7.3.18. 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.

7.3.19. Having regard to the condition of the property, I am satisfied that the efforts of the Local Authority have been fair and reasonable giving the owner the time and opportunity to address the dereliction in this instance.

7.4. Compliance with the Development Plan

7.4.1. I note that the Clare County Development Plan 2023-2029, specifically Objectives CDP 5.2, CDP 5.3, CDP 9.14, CDP 17.10 seek to address instances of dereliction and the reuse and regeneration of derelict and vacant sites.

7.4.2. The property was reidentified as being in a derelict state in April 2024, save for structural works undertaken subsequent to a Dangerous Structures Notice which has not been completed, the property appears to have remained vacant and unoccupied

for approximately 12 years since it came to the attention of Clare County Council. The result is the building has been in an objectionable state for several years.

7.4.3. I consider that the proposed compulsory acquisition for the property would be consistent with the policies and objectives of the Development Plan.

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, the subject property was in a neglected condition at the time that the application to acquire the site was lodged.

7.5.2. Having reviewed the contents of the submission from Clare County Council, it is apparent that the Local Authority have engaged with the reputed owners over a combined period of approximately twelve years to seek to remedy the contended dereliction. I note the reactivation of the site commenced in April 2024.

7.5.3. Under the original Section 8(2) and Section 8(7) notices issued in 2014 I acknowledge that certain works had taken place to warrant the closure of the file at the time however following updated reinspection I note from the information on file that such temporary works had also become deteriorated in addition to the incomplete structural works.

7.5.4. Following the reinspection of the site in 2024 and the reactivation of engagement and prior to the issuance of notices under Section 8 (2) and (7) of the Derelict Sites Act, the owner had responded to Clare County Council by letter dated the 21st of January 2025. This letter set out their intention to complete a refurbishment of the property and to avail of grants. Within this letter, the owner made a query in relation to the potential eligibility of the vacant homes and derelict top up grant. No time frame for completion of works was made available as the owner had just registered with an architect and was awaiting a call back.

7.5.5. The owner made no more contact with Clare County Council and the notices under Section 8(2) and 8(7) of the Derelict Sites Act 1990 as amended were issued.

7.5.6. Furthermore, no appeal was made by the owner to the Valuation Tribunal in respect of the Section 22(3) Notice of Valuation.

7.5.7. I note the objection lodged by the reputed owner to Clare County Council on the19th of May 2026.

7.5.8. I acknowledge the undertaking of the owners in response to the concerns of Clare County Council in 2020 regarding the unsound gable wall. I also note that these works have not been completed due to the ill health of the builder at the time which is regrettable however there has been a substantial passage of time.

7.5.9. I note the owner's proactive measures to obtaining a BER Assessment and receipt of proposal for energy upgrade works in advance of the letter issuing from Clare County Council in April 2026.

7.5.10. As part of the objection, the owner proposed to apply for the Derelict Property Grant, apply for the SEAI approved grants, have secured a Green Loan to progress the works and undertake a general tidy up of the property exterior immediately. The owner proposed no time frame for the undertaken and completion of the works.

7.5.11. On the 19th of June 2026, An Coimisiún Pleanála received a submission from Diarmuid Keane & Associates LTD prepared on behalf of the owner, Mary Clancy.

7.5.12. I note that the submission sets out that the owner acknowledges the condition of the property and that this arose due to a combination of personal issues experienced over a prolonged period. It is stated that those contributing circumstances have now materially changed and that the owner is both willing and capable of carrying out the necessary refurbishment works. In this regard it is contended that the compulsory acquisition is neither necessary nor proportionate in the circumstances now prevailing.

7.5.13. The submission sets out that the owner has now moved beyond expressions of intention and has taken tangible steps towards the refurbishment of the property.

An affidavit has been provided setting out a clear programme for the refurbishment and reactivation of the building. I note two phases are proposed;

- Phase 1 – Exterior works – windows, doors, plastering and roof repairs will be completed by December 31st, 2026.
- Phase 2 – Interior Works – to be completed by June 30th, 2027.

I acknowledge the inclusion of a sworn affidavit to commit to the works. However, I contend that the submission in support of these works sets out that the owner has actively investigated the Vacant Property Refurbishment Grant, SEAI Grants and other funding mechanisms available to facilitate the restoration of the vacant and derelict buildings. It is further stated that the owner has recently engaged with a local building contractor with a view to commencing the upgrade / repair works to the property.

7.5.14. I note that the owner is committing to completing the external works by the end of December 2026.

7.5.15. The submission refers to the preparation of applications for available grant assistance. From the accompanying information it has not been demonstrated that the owner has formally applied for any of the grants identified and whether such grants are required to be in place prior to works commencing. It is not stated that the owner has specifically engaged the services of the builder and is in a possession of a definitive schedule of works or has demonstrated that building supplies such as windows have been ordered etc which would indicate tangible timelines that are likely to be met**.**

7.5.16. I also note that the letter of objection from the owner states that consideration is being given to the energy proposal upgrades received on foot of the BER assessment. The affidavit does not set out that a decision has been made on energy upgrade proposals and how that element fits into the timeline of Phase 1 works which again would indicate tangible timelines.

7.5.17. The submission contends that the applicant's commitment to undertaking the works weakens the rationale for the compulsory acquisition and the issue of proportionality and that the public interest would be better served by allowing the owner an opportunity to implement the proposed programme of works rather than depriving ownership of the property. It is contended by the submission that the affidavit sets out a clear programme of works.

7.5.18. The submission made to the Commission on the 19th of June 2026 set out that the circumstances surrounding the original delay in undertaking works has now improved sufficiently to allow the owner to proceed with the refurbishment works. Given the issues of dereliction associated with the site and lack of engagement by the owner over a substantial period of time and in the absence of evidence of applications made for funding and clear schedule of works, I do not consider that the timeline of works set out in the affidavit provide a clear definitive programme of works and are of a general nature.

7.5.19. At the time of my site visit in August 2026, there was no evidence that works had commenced. At the time of writing my report, there is approximately 3 months remaining to commence and complete Phase 1 the works set out in the affidavit by the 31st of December 2026. I also note these works are external in nature.

7.5.20. I acknowledge the difficult and exceptional circumstances experienced by the owners over the course of the previous years. I also note that the submission received by the Commission on the 19th of June 2026 states that the exceptional circumstances of the owners have now materially changed. Having regard to the information available to me, I do not consider that there is any evidence of firm, detailed plans to undertake the works or the extent in materiality of the change in the owners exceptional circumstances. It does not appear to me that such works could be reasonably completed within the time specified that would render the property non-derelict. I do not agree that the owner has demonstrated a genuine commitment with a realistic and achievable timeline for the delivery of the project. Having regard to the passage of time and lack of definitive plans to take the property out of dereliction, in this instance I do not consider that the public interest would be served with the timelines for completion set out by the owner.

7.5.21. The subject property occupies a prominent site in Kilkee and was reidentified as being derelict in April 2024. I do not consider that the owner has provided sufficient robust evidence that would achieve the public objective of regeneration by refusing to confirm consent to the compulsory acquisition of the property. As I have noted in Section 7.3.18 and in light of the foregoing, I consider that the need and interest of the common good would be met by the proposed acquisition of the subject property. Having regard

to the actions of Clare County Council, I consider that the proposed compulsory acquisition of the property would be proportionate to the end to be achieved to ensure that the lands do not continue to be in a derelict condition.

7.5.22. The derelict condition of the property came to the attention of the Local Authority during a site visit on the 4th of April 2024 and the property has been on the Derelict Sites Register since the 1st of August 2025 (PA Ref. DS14-19). 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.

7.5.23. 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 Clare 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 corner building and surrounding site with a stated site area of 0.035hectares, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated the 24th of April 2026 and on the deposited map reference '2014-19-01', pursues, and was rationally connected to a legitimate objective in the public interest, namely to ensure that the lands do not continue to be in a derelict condition.

8.3. I am 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 Clare County Development Plan 2023-2029 and specifically Objectives CDP 5.2, CDP 5.3, CDP 9.14, CDP 17.10. which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages.

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 derelict and dangerous condition and the neglected, unsightly and objectionable state of the land and structure thereon, 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(a) and (b) of the Derelict Sites Act, 1990, as amended.

9.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I recommend that the Commission grant consent to Clare County Council to compulsorily acquire the site.

10.0 **Reasons and Considerations**

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

- The constitutional and convention protection afforded to property rights,
- The public interest, and

- The provisions of Clare County Development Plan 2023-2029,

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

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

Carol Hurley
Planning Inspector

23rd of September
2026