



An
Coimisiún
Pleanála

Inspector's Report

ACP-324335-26

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

No. 27 Moore Street, Kilrush, Co. Clare.

Planning Authority

Clare County Council

Notice Party

Martin Tubridy on behalf of Mary and Finbar Frawley

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 at 27 Moore Street, Kilrush, Co. Clare, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The subject site is located at No. 27 Moore Street, Kilrush, Co.Clare.
- 2.2. The subject property is a mid-terrace three-storey building on a site with a stated area of 0.016 (hectares) (0.04 acres). The building addresses the road with a north facing orientation.
- 2.3. The building has a pitched roof profile.
- 2.4. At time of site visit I observed the following in relation to the property;

On the front elevation,

- The exterior is painted pink with disrepair at ground floor level and significant disrepair at first and second floor level.
- The front door is blocked up with timber and each of the window opes at upper floors are blocked up with mock glazing.
- There appears to be structural damage above the window ope at second floor level on the eastern side of the building.
- The gutters at eaves level appear to be loose from the building.
- Ridge cap is missing.
- The roof appears to be sagging in the centre.
- Part of the render on the chimney has come off with the brick work exposed.
- All of the windowsills are in disrepair with apparent structural damage to the sill on the western side of the second-floor level.
- There are loose wires above the west side of the front door.
- There is vegetation growing in the gutters and within the chimney structure.

- 2.5. The subject site is located within an Architectural Conservation Area but is not a Protected Structure or listed on the National Inventory of Architectural Heritage (NIAH).
- 2.6. The subject site is located to the east of Market Square and the main retail core of Kilrush. At the time of site visit on a Monday afternoon, Moore Street while busy with parked cars was relatively quieter than the areas to the north and west of Market Square. There was construction work being undertaken on lands on the northern side of Moore Street, directly opposite the subject site.
- 2.7. The eastern part of Moore Street leads to an area of residential character.

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 Finbar and Mary Frawley on the 12th of March 2014.
 - Section 11 Notice served on Finbar and Mary Frawley on the 13th of June 2014 and on the 1st of June 2017.
 - Section 8(7) Notice of the Derelict Sites Act 1990 served on Finbar and Mary Frawley on the 13th of June 2014.
 - 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.

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 Finbar and Mary Frawley on the 24th of April 2026.

The notices set out the address of the property with a stated site area of 0.016 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 DS14-02KTC.

4.2. Objection to Acquisition

An objection to the proposed acquisition was submitted to Clare County Council by MNT Draughting Services on the 13th of May 2026 (date stamp).

The objection can be summarised as follows;

- The owners are fully committed to the remediation and productive use of this property.
- Exceptional and personal experiences have caused unavoidable delays.
- Submission by the owner of a Section 5 Exemption application for a notification of a change of use from office to residential. This was acknowledged by Clare County Council but to date no decision letter has issued or further communication received from Clare County Council.
- The owners have experienced bereavement within the family.
- The owner's agent has experienced serious ill health.
- Notwithstanding the foregoing, the owners have been actively working toward a resolution of the property's condition and the return to residential use.
- An application under the Derelict Grant Scheme was part prepared.

- Owner intends to formally submit an application for the Derelict Grant Scheme on or before the 25th of May 2026.
- Subject to the approval of the application for the Derelict Grant Scheme, they commit to proceeding with all necessary works to bring the property into full residential use without further delay.
- The grounds for compulsory acquisition do not stand in the present circumstances having regard to;
 - the active engagement by the applicant with the Planning Authority by way of a Section 5 notification in June 2025.
 - The exceptional and personal tragedies suffered by the applicant.
 - The serious illness of the applicant's agent.
 - The applicants clear, demonstrable and ongoing intention to remediate the property and return it to residential use.
 - The imminent formal submission of the Derelict Grant Scheme application before the 20th of May 2026. *(I note that the objection provides two different dates for the intended submission)*
- Request Clare County Council to withdraw the proposed Compulsory Purchase Order in respect of DS14-02KTC.
- The agent/ owners remain available to meet with the relevant officers at the earliest opportunity should the Council wish to discuss further.

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

- Copy of report, dated the 10th of March 2014, following the site visit on the 28th of February 2014 recommending that a notice under Section 8(2) of the Derelict Sites Act be served on Finbar and Mary Frawley.
- Copy of Section 8(2) Notice of the Intention to Make Entry in the Derelict Sites Register, served on Mary and Finbar Frawley, dated the 12th of March 2014.
- Copy of Memorandum dated the 25th of April 2014 noting that no response was received to the Section 8(2) Notice and recommended that a letter be sent to the owners.
- Copy of letter dated the 7th of May 2014 to Mary and Finbar Frawley noting the lack of response to the Section 8(2) notice and the implications of not responding. A response requirement of seven days to the letter was required.
- Copy of Memorandum dated the 10th of June 2014, following a site visit on the 28th of May 2014 noting that no works had been carried out to render the property non derelict, recommend that a Section 11 notice be served on the owners.
- Copy of Section 11 Notice, dated the 13th of June 2014.
- Copy of Section 8(7) Notice, dated the 13th of June 2014.
- Copy of record of telephone conversation with Finbar Frawley on the 16th of June 2014.
- Copy of letter from Finbar Frawley to Clare County Council dated the 24th of June 2014.
- Copy of Memorandum of Clare County Council, following site visit on the 29th of January 2015 noting that while some works pursuant to the Section 11 notice had been undertaken, such works were not sufficient to render the building non-derelict.
- Copy of letter dated the 12th of February 2015 sent to Mary and Finbar Frawley advising of the need to carry out the works as set out in the Section 11 notice and advising that failure to do so may result in the property incurring an annual levy pursuant to the Derelict Sites Act 1990, as amended. Advised that a follow up site inspection would be undertaken within five weeks from the date of the letter.

- Copy of report of Clare County Council dated 12th of April 2017 following a site inspection on 23rd of March 2017. Recommending that a Section 11 notice be served on the owner outlining the works to be undertaken.
- Letter issued to Mary and Finbar Frawley dated the 1st of June 2017 advising of the unacceptable state of the property and new Section 11 notice reissued.
- Copy of report of Clare County Council dated the 10th of March 2021 following site inspection on the 25th of February 2021. The report notes that there was no reply to the Section 11 notice issued in June 2017. The report recommended that contact be made with the owners and to also engage with the Housing Section to determine whether any further action was taken on their part regarding this property.
- Copy of letter from the Derelict Sites Team, Clare County Council dated the 1st of July 2022 to Mary and Finbar Frawley, noting the current condition of the property and would welcome an opportunity to discuss proposals that the owners may have to improve the condition of the property. A leaflet was enclosed with an option that the Housing Department could assist with.
- Copy of letter from Clare County Council (Derelict Sites Team) dated the 9th of February 2023, to Mary and Finbar Frawley advising of the concerns raised in relation to the concerns regarding the current condition of the property. Offered an opportunity for the owners to discuss proposals with Clare County Council and requested a response within 4 weeks of the date of the letter.
- Copy of report of Clare County Council dated the 27th of May 2024 following site inspection of the 27th of March 2024 and sets out the history of engagement, noting the placement of the property on the derelict site register since 2014. Recommends that the property be valued for the purpose of imposing the Derelict Site Levy.
- Copy of letter from Clare County Council (Derelict Sites Team), dated the 18th of November 2024, requesting the owners to contact Clare County Council.

- Copy of Report of Clare County Council following a site visit on the 11th of February 2025 which notes that as nothing has been done with the property and there has been no application for a Vacant Homes Grant, recommendation to proceed with the issuing of a Section 22(3) Notice as per the recommendation of the 27th of March 2024.
- Copy of letter sent by registered and ordinary post of the Notice under Section 22(3) of the Derelict Site Act 1990, as amended in respect of the market value, which was determined to be €70,000 and the annual levy of 7% would be €4,900. It was advised that should the site remain in a derelict condition and no submission/proposal received by the 14th of March 2025, a levy bill for the calendar year of 2025 would issue in March 2025.
- Copy of report of Clare County Council following site visit on the 25th of April 2025, notes the condition of the property and recommended that the levy be billed and that the activation app for the Derelict Site Register be updated.
- Copy of report dated the 12th of February 2026 following site visit on the 11th of February 2026. The report notes that the property is capable of being refurbished for residential use. Actions taken to date have been listed. It is noted that some engagement has taken place over the years but no action taken. The Derelict Sites Levy was billed but not paid. Recommends that the Council should exercise its powers under Section 14 of the Derelict Sites Act 1990, as amended, to compulsorily acquire the property. Following acquisition, the Council would dispose of the property or assess if it 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.
Recommends proceeding to take the necessary steps for the CPO Procedure under Section 15 of the Derelict Sites Act, 1990.
- Copy of Notice under Section 15(b) served on Finbar and Mary Frawley of the intention to Acquire the Derelict Site Compulsorily under the Derelict Sites Act 1990, as amended.

- Copy of letter of acknowledgement from Clare County Council dated the 19th of June 2025 sent to Finbar Frawley C/O Martin Tubridy in respect of the Notification of Change of Use from office to residential at Moore Street, Kilrush, Co. Clare.
- Copy of the objection made by MNT Draughting Services on behalf of Finbar and Mary Frawley dated the 13th of May 20206.

Report entitled 'Clare County Council Reference No. DS 14-02 KTC Derelict Site at 27 Moore Street, Kilrush, Co.Clare V15 WK15', 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 2013 and a file was opened in 2014 by Kilrush Town Council.
- Moore Street has suffered more dereliction than other parts of the town and action is being taken in recent years on such sites.
- The site is located on a key tourist approach road to the town and detracts from other properties in the vicinity.
- The property is capable of being refurbished for residential use.
- The Section 8(2) notice was served 12 years ago and no response was received.
- The property has been on the Derelict Sites Register since the 13th of June 2014.
- A new unit was established within Clare County Council to take action on dereliction across the County but in particular in towns and villages. On the 8th of March 2021 the site was reassessed, and it was recommended that engagement recommence to ascertain if there had been any change in ownership as the property did not have a registered title.
- In February 2023, the reputed owner stated that he would write into Clare County Council with his proposals for the building following the sale of a property across the road.
- In May 2023 the reputed owner was advised of the Vacant Refurbishment Grant.

- In March 2024, following site visit, it was noted that the previously undertaken temporary improvements had now discoloured, and it was recommended that the Derelict Site Levy be billed.
- In October 2024, following unsuccessful attempts to contact the reputed owner, the reputed owner contacted Clare County Council to say he would renovate the property and would apply for the Vacant Property Refurbishment grant. An information pack was issued to the reputed owner.
- In February 2025, following a site visit, no works had been undertaken and no application for the Vacant Property Grant had been submitted. The issue of notice of Valuation was recommended.
- This notice issued and no appeal was made to the valuation tribunal.
- On the 10th of March 2025, the levy bill for 2025 was issued and the reputed owner reminded of the Vacant Property Refurbishment Grant. The reputed owner contacted Clare County Council and stated that he would be applying for the grant and may apply for planning exemption.
- Several more site visits and reminders were undertaken and sent to the reputed owners.
- On the 23rd of January 2026, the levy bill for 2026 was issued with interest accrued from 2025.
- The site is considered derelict as defined by Section 3 of the Derelict Sites Act, 1990, as amended for the following reasons;
 - (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.
- There is no Folio Title on the property, and it cannot be ascertained if there are any burdens on the property.
- The decision to proceed with the Compulsory Acquisition of the property was made on the 12th of February 2026.
- There was some further engagement between the reputed owner and Clare County Council during April 2026.
- Following the issuance of the Notice of Intention to Acquire the Derelict Site, the reputed owner contacted Clare County Council to state that he would apply

for the grant. The reputed owner stated that his only access to rear of his adjoining properties is through the back of this property and there is a gas tank to the rear.

- The objection to the CPO was received by Clare County Council on the 13th of May 2026 and the reputed owner was advised that the objection was being referred to An Coimisiún Pleanála for determination.
- The five grounds of objection were;
 - The active engagement by the owner with the Council by way of a Section 5 Notification in June 2025.
 - The exceptional and unforeseeable personal tragedies suffered by the applicant
 - The serious illness of the applicant's agent.
 - The applicants clear and demonstratable and ongoing intention to remediate the property and return it to residential use.
 - The imminent formal submission of the Derelict Site Grant Scheme Application on or before the 20th of May 2026.
- The relevant policy from the Development Plan is set out.
- The relevant national legislation and policy is set out.
- It is the view of Clare County Council that the compulsory acquisition is justified in the public interest, namely, to ensure that the property does not continue to be derelict within the Architectural Conservation Area. The effects of the proposed compulsory acquisition on the rights of the affected landowner is proportionate to the objective being pursued and is in the interest of the common good.
- All alternative methods of activation under the Derelict Sites Act or incentives such as the grants currently available have not resulted in the owner taking responsibility for rendering the property non-derelict or exercising the option of disposal of the property.
- Requests that An Coimisiún Pleanála acknowledge the following;
 - Although there has been much communication and correspondence with the reputed owners, no effort has been taken to render the property non-derelict.

- The property has been derelict for over 20 years with no significant action taken by the current owners despite notices being served upon them and notification provided to them of grants introduced in 2022. No grant applicant has been made by the applicant to date.

4.4. Objectors Submission

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

4.5. Oral Hearing

No request has been received for an Oral Hearing.

5.0 Planning History

PA Ref 0431037 – Permission granted to Finbar and Mary Frawley on the 4th of August 2008 for four three storey town houses served by a new access from Moore Street and a three-storey commercial unit consisting of shops on ground floor and offices on upper floors. *No details were available for this planning reference.*

PA Ref 0431043 – Permission granted to Finbar and Mary Frawley on the 9th of June 2005 for revisions to the elevations, change of use of the ground floor area to off licence area and toilets and to extend private area to include additional second floor area and exits. *No details were available for this planning reference.*

6.0 Policy Context

6.1. Clare County Development Plan 2023-2029.

6.1.1. The site is located within Kilrush which is designated as a Service Town.

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.

- 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.

- The Council recognises the importance of active land management in order to aid the regeneration of Kilrush town centre and to address issues of vacancy and dereliction.
- It is an objective of the Council to;
 - 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.

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 north of the site.

The property was 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;

Front elevation

- The exterior is painted pink with disrepair at ground floor level and significant disrepair at first and second floor level.
- The front door is blocked up with timber and each of the window opes at upper floors are blocked up with mock glazing.
- There appears to be structural damage above the window ope at second floor level on the eastern side of the building.
- The gutters at eaves level appear to be loose from the building.
- Ridge cap is missing.
- The roof appears to be sagging in the centre.
- Part of the render on the chimney has come off with the brick work exposed.
- All of the windowsills are in disrepair with apparent structural damage to the sill on the western side of the second-floor level.
- There are loose wires above the west side of the front door.
- There is vegetation growing in the gutters and within the chimney structure.

7.1.3. The subject site is located within an ACA and located on a prominent route into the town. I note that the surrounding buildings are maintained to a good standard. The boarded-up nature of the property presents as an inactive use to the streetscape.

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

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 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 cracks above the upper floor window opes, the roof structure and missing ridge cap together with the visible bricks on the chimney 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 paintwork and render is in significant need of repair in addition to the opes being blocked up and loose gutters and vegetation within. 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 or 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.

7.3. Action of Local Authority

7.3.1. The Compulsory Acquisition Report of the Local Authority submitted with the application sets out the attempted engagement with the reputed landowners between March 2014 and February 2025 and the issuing of the Notices under Section 15 of the Derelict Sites Act, 1990 in April 2026.

7.3.2. The subject site was identified as being in a derelict state on the 28th of February 2014.

7.3.3. The Derelict Site Report set out the works to be undertaken to prevent the site from continuing to be derelict (as set out above).

7.3.4. I note that the Section 8(2) notice was initially served upon the reputed owner on the 12th of March 2014.

I note that in between the issuance of the Section 8(2) notice and the Section 8(7) and Section 11 notice upon the reputed owners, Clare County Council wrote to the reputed owners to advise of the consequences of failing to carry out the works to render the site non-derelict.

The property was placed on the Derelict Sites Register on the 13th of June 2014.

Clare County Council undertook a further site visit in January 2015 where it was acknowledged that some works pursuant to the Section 11 notice had been undertaken, such works were not sufficient to render the property non-derelict. The reputed owners were offered an opportunity to undertake the works set out in the Section 11 notice within a period of 5 weeks and failure to do so may result in the property incurring a levy pursuant to the Derelict Sites Act 1990, as amended.

Written engagement in July 2022 by Clare County Council offered opportunities to discuss proposals the reputed owner may have for the property. An information leaflet was enclosed with an option that the Housing Department could assist the owner with.

In February 2025, Clare County Council wrote to the reputed owners, noting the concerns regarding the condition of property and offered an opportunity to discuss any proposals the reputed may had for improving the property.

7.3.5. On the 12th of February 2025, the reputed owner was notified that the property was valued at €70,000. A notice issued under Section 22(3) of the Derelict Sites Act 1990

7.3.6. 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.

- 7.3.7. A site visit was undertaken by Clare County Council on the 11th of February 2026, and it was confirmed that the site remains in a derelict state and there has been no changes or attempts to remove the property from dereliction.
- 7.3.8. 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), Section 11 and Section 22(3) and Section 15 of the Derelict Sites Act 1990, as amended.
- 7.3.9. 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”.
- 7.3.10. As outlined in the report of the Local Authority, Clare County Council have demonstrated consistent engagement with the owners since 2014 in relation to the objectionable state of the property with the property being placed on the Derelict Site Register since the June 2014.
- 7.3.11. It is evident that Clare County Council have attempted to address the issue of contended dereliction of the property. I note that as part of written correspondence with the reputed owner that details of options available from the Housing Department were enclosed.
- 7.3.12. The Derelict Site Report of the Planning Authority contends that the property is capable of being refurbished for residential use. The report of the Local Authority dated the 12th 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.
- 7.3.13. 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.

7.3.14. Having regard to the condition of the property, I am satisfied that the efforts of the Local Authority have been fair and reasonable 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 identified as being in a derelict state in February 2014, save for minor works undertaken the property has 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 a number of 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. I note the works originally required by Clare County Council to prevent the property from continuing to be derelict as set out in the Derelict Site Report are not unduly onerous and would not be unreasonable to address. I do acknowledge that the owners did not act upon receipt of the Derelict Site Notice.

7.5.3. 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 the course of twelve years to seek to remedy the contended dereliction.

7.5.4. I acknowledge that the reputed owner had carried out some works to the property in c. 2015 however I note from the information on file that such temporary works had also become deteriorated.

- 7.5.5. I note the objection lodged by the reputed owner on the 13th of May 2026. I note the lodgement of a change of use notification by the reputed owner in June 2025 and the contention that the lack of a response from Clare County Council to date has been a significant contributing factor to the current position. I refer to the Derelict Site Report of the Local Authority which submits that a reply was sent to the reputed owner on the 22nd of July 2025 and that a copy can be provided to An Coimisiún Pleanála, if required. The decision / outcome of this reply is not clear nor has it been submitted with the Derelict Site Report. However, I would submit that this Section 5 Notification lodged in June 2025, being twelve years following the entry of the site on to the Derelict Sites Register is not a significant contributing factor to the current status of the structure.
- 7.5.6. The objection submits that a formal submission of an application for grant under the Derelict Site Scheme would be lodged with Clare County Council on or before the 20th of May 2026 (I note the objection indicates two differing dates). No reference has been made by either party that such submission has been made since the 22nd of May 2026 (preparation of the report by the Local Authority).
- 7.5.7. I note the personal issues that arose to both to the reputed owner and the agent acting on behalf of the reputed owner in 2025 and 2026 which are regrettable however I also contend that the property has been identified as being derelict since 2014 with consistent engagement demonstrated by Clare County Council over the course of this period with no demonstrable efforts to address the condition of the property.
- 7.5.8. The reputed owner has consistently stated that works would be undertaken but I note that no detailed programme or schedule of works has ever been set out by the reputed owner.
- 7.5.9. The derelict condition of the property came to the attention of the Local Authority during a site visit on the 28th of February 2014 and the property has been on the Derelict Sites Register since the 13th of June 2014 (PA Ref. DS14-02KTC). 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.

- 7.5.10. 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 three storey dwelling with a stated site area of 0.016 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 the 24th of April 2026 and on the deposited map reference '2014-02-01', 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 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 structure which is 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 3 (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

9th of September 2026