Inspector's Report

ACP-324351-26

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	4 Glensheen, Gort Road, Ennis, Co. Clare
Planning Authority	Clare County Council
Notice Party	Rosemarie Crowley and Caroline Crowley
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 No. 4 Glensheen, Gort Road, Ennis, 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. 4 Glensheen, Gort Road, Ennis Co. Clare.

2.2. The subject property is a semi-detached two storey dwelling with a gable roof profile. There is a single storey projection on the side elevation. The site has a stated area of 0.042 hectares.

2.3. The property has a gated vehicular entrance with a northwest facing orientation. The site adjoins an area of public open space to the northeast.

2.4. Glensheen is an established residential development which is located to the northwest of the town of Ennis.

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

- The house appears to be structurally intact with no visible cracks to the façade.
- The roof and chimney are intact.
- All windows and doors in place.
- Rainwater goods are present and intact.
- There is no vegetation present on the elevations.
- The property is secure from public access by reason of intact front and side boundary walls and a gate across the vehicular entrance which was in a closed position.

On the front elevation,

- Vegetation in the gutters.
- Black gutters are faded
- Windows and front door in need of washing down.

- Front garden is overgrown
- Vegetation and moss growing on the tarmac driveway.
- Wall caps lying along the inside face of the northeastern boundary.
- Lower banding of the front boundary wall missing on the public facing side.

On the side elevation,

- The fascia associated with the single storey projection is discoloured with green.
- Wall caps are missing from the boundary wall
- Rear garden is overgrown (*I did not access this area*)

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

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 13th of June 2023.
- Section 8(7) Notice of the Derelict Sites Act 1990 served on the 20th of September 2023.
- 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 email, registered and ordinary post.

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 Rosemarie Crowley and Caroline Crowley on the 22nd of April 2026 and delivered on the 25th of April 2026.

The notice was also sent by email to the owners on the 23rd of April 2026. Receipt of email was acknowledged by the owners on the 23rd of April 2026.

The notices set out the address of the property with a stated site area of 0.042 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 and email 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 23-23.

4.2. **Objection to Acquisition**

An objection to the proposed acquisition was received by Clare County Council from Rosemarie Crowley and Caroline Crowley on the 23rd of April 2026 via email.

I note that the objection was received by Clare County Council a day before the date of the Section 15 Notice. Clare County Council acknowledged the receipt of the objection on the 27th of April. I also note that the owners also made additional submissions via email to the Council.

The objection can be summarised as follows;

- Acknowledge confirmation of email from Clare County Council dated the 23rd of April 2026.

- Continue to dispute all correspondence incorrectly citing that the owners have no right to object to a compulsory purchase order and are aware of their entitlements to do so.
- Grounds of objection are;
    - A CPO is not in the owner's best interests
    - A CPO is not in the public interest
    - A CPO is totally without merit without their consent, being the sole bona fide owners.
- Request a copy of the relevant pages from the Clare Champion Newspaper in addition to the grounds cited by Clare County Council to warrant such action.
- The owners will not be pressured into a CPO by Clare County Council. It has always been the owner's joint decision to retain their inherited property.
- Request Clare County Council to discontinue with the CPO.
- The subject property has never been lawfully let to Clare County Council, other local authorities or housing associations, nor has it ever been a house of multiple occupancy.
- The property has never been modified for use as flats, loft/basement conversions, extensions and annexes for extra living space, nor has it ever been used for business purposes.
- All letting agreements, tenancies and housing benefit claims against the subject property remain unlawful.

Further email correspondence from the owners to Clare County Council dated 28th of April 2026 can be summarised as follows;

- The subject property has never been recognised as 'derelict' in accordance with the Derelict Sites Act 1990 by An Coimisiún Pleanála.
- In this regard Clare County Council has no legal grounds in which to acquire the vacant property and no legal right to pressure the owners to agree to a CPO.

- Questions what Clare County Council plans to do with the subject property as there is no compelling case in the public interest why the subject property needs to be acquired by a local authority, e.g. a planned public infrastructure project for the common good, such as a new housing complex, road or motorway.
- There are no legal grounds for purpose for acquiring the property.
- All decisions made by An Coimisiún Pleanála can be challenged in court, and the owners submit they will be exercising this option if required.
- Continue to request Clare County Council to investigate concerns regarding fraudulent letting against the subject property.
- Reiteration of previous email in respect of the use of the property over the years.

Further email correspondence from the owners to Clare County Council dated 8th of May 2026 can be summarised as follows;

- The subject property is neither derelict nor in a hazardous condition to warrant such actions as previously confirmed by ABP.
- No reasonable grounds have been given as to why Clare County Council needs to acquire this property and what it would be used for and why is it in the public interest to spend Irish taxpayers' money on purchasing the subject property.
- As there is no compelling case supporting the CPO, the owners submit that An Coimisiún Pleanála will find in favour of the owners.
- Photographic evidence of family in the garden of the subject property to coo berate that the owner's parents purchased the subject property in 2003 via Hanrahan & Associates.
- Conveyancers failed to register the owner's parents' names with Land Registry Ireland in 2003 due to their failure to acquire the owner's parents PPS numbers as attached in the Vickers and Co. Solicitors Attendance Note dated 3rd of September 2008 (*this information does not appear to be within the file*).
- Request that this information be referred to An Coimisiún Pleanála as evidence of sole ownership of the subject property via inheritance.

- Continued call for Clare County Council to investigate the concerns raised in relation to alleged forged letting arrangements and housing benefit claims etc.
- Reiterate that the subject property has never been lawfully let, housed tenants or used as a business premises and any monies obtained against the property including letting 'incentive' grants such as the 'Vacant Property Refurbishment Grant' be investigated as identity theft.
- Obituaries of the owner's father and grandfather have been included in a separate email as supporting evidence of the owners genuine Crowley genealogy. (*This information has not been included on the file*).

Emails dated the 8th of May 2026, and 18th of May 2026 refer to attachments to confirm the owner's Irish genealogy. (*I note that save for the photographs attached, there is no other information in this regard*.)

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 8th 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;
    - Land Registry Details
    - Clare County Council Derelict Site Report dated the 12th of June 2023 recommending that a Section 8(2) Notice be served on the site.
    - Chief Executive Order for Service of Section 8(2) Notice dated the 13th of June 2023.
    - Copy of Section 8(2) notice dated the 13th of June 2023 and accompanying map.
    - Copy of Section 8(2) Notice statement of service dated the 13th of June 2023.

- Copy of Clare County Council Memorandum dated the 13th of September 2023 recommending that the site should be entered onto the Derelict Sites Register and a Section 8(7) Notice be served.
- Copy of Chief Executive Order for Service of Section 8(7) Notice dated the 20th of September 2023.
- Copy of the Section 8(7) Notice dated the 20th of September 2023 and accompanying map.
- Copy of Section 8(7) Notice statement of service dated the 4th of October 2023.
- Copy of the report of Clare County Council in respect of the application to Compulsorily Acquire the subject site in February 2024. (ABP-319207-24)
    - Notices served under Section 15 of the Derelict Sites Act 1990, as amended.
    - Objection received by Clare County Council.
    - Decision of An Bord Pleanala (now An Coimisiún Pleanála) ABP-319207-24 dated the 29th of July 2024, refusing consent to the compulsory acquisition of the subject site.
- Copy of letter dated the 14th of October 2024, issued from Clare County Council to the reputed owners, setting out the concerns raised in relation to the condition of the property and based on inspection, the Council consider that the property is derelict. Opportunity offered to discuss any proposals the owners may have. Consideration would be given to any proposals prior to the Council taking action under the Derelict Sites Act 1990.
- Copy of Derelict Site Register of Clare County Council as of the 7th of February 2025.
- Copy of Clare County Council Memorandum dated the 10th of February 2025, following site visit on the same date, the property is still considered to be derelict, recommend issuing of a Notice under Section 11 of the Derelict Sites Act 1990, as amended, required measures to be taken;
    - Remove all overgrowth and cut back lawn area to the front of the dwelling.

- Remove all moss, weeds and overgrowth from tarmac area to the front, side and back of property including footpaths.
- Power hose tarmac area once overgrowth removed.
- Rebuild all capping from boundary wall.
- Remove all moss and power hose roof and gutters.
- Remove all overgrowth and cut back lawn to the rear of the dwelling.
- Rebuild damaged boundary wall to the rear of the dwelling.
- Power hose front and back elevation of property
- Clean all windows, doors and window dressings
- Power hose front boundary wall
- Paint timber fencing enclosing oil tank at rear of property and front gate.
- Remove all rubbish/litter that has accumulated within the curtilage of the dwelling.

- Chief Executive Order for Service of Notice under Section 11 of the Derelict Sites Act 1990, as amended, dated the 10th of February 2025.
- Copy of Notice under Section 11 of the Derelict Sites Act, 1990, as amended with accompanying letter, map and photographs.
- Copy of partial letter dated the 18th of February 2025 from the reputed owners to Clare County Council acknowledging receipt of correspondence from Clare County Council, stated future endeavours of the reputed owner to ensure that the exterior of the property meets all legal requirements. Owner requested clarification of time limit to file formal objection.
- Copy of email correspondence from Clare County Council to the reputed owners dated the 4th of March 2025 acknowledging an email sent from the owners to Clare County Council on the 3rd of March 2025. The email of Clare County Council requires that the works to the property are completed in May 2025 and to notify Clare County Council accordingly. An inspection would be carried out thereafter and the compulsory purchase order process will be further reviewed. The availability of the

Council at any stage to discuss the subject site was offered to the reputed owners.

- Copy of email correspondence from Clare County Council to the reputed owners dated the 28th of May 2025 in response to an email from the reputed owners dated 23rd of May 2025. In respect of the concerns raised in relation to fraud, it was recommended that this should be reported to the appropriate authorities, Clare County Council is not the relevant authority. The reputed owners were advised of the 7% levy liable as the property is on the Derelict Sites Register. It was recommended that the reputed owners make arrangements for the external works required to be undertaken. An extension of time to complete these works was granted up to the end of June 2025. Up-to-date photos of the site were attached to the email. The Council would then decide on the relevant action (billing of the Derelict Site Levy, recommencing the Compulsory Acquisition process. The email also provided advice on the Local Property Tax and Vacant Property Tax. Advised of the valuable nature of the property.
- Copy of letter dated the 13th of June 2025 from the reputed owners to Clare County Council. It was set out that now was not the right time to free up capital, if the owners cannot travel to Ireland before the end of June 2025, alternative arrangements would be made. The owners are fully aware of Clare County Councils legal options regarding alleged derelict properties. It is set out the continued opposition to the suggested CPO application. Reference again to issues of fraud.
- Copy of Clare County Council Memorandum dated the 2nd of July 2025. Following a site inspection on the 1st of July 2025, the property continues to be unkempt. Recommend the Service of Section 22(3) Notice in relation to the market value.
- Copy of Clare County Council Report dated the 24th of February 2026. Despite engagement the site continues to deteriorate. No action has been taken to render the site non-derelict despite further letters and emails issued to the owners. Contends that the site does detract to a material degree from the amenity, character or appearance of land in the

neighbourhood by its neglected, unsightly and objectionable condition. Recommend proceeding to the following necessary steps for CPO procedure under Section 15 of the Derelict Sites Act 1990, as amended. Photographs attached.

- Copy of Chief Executives Order dated the 26th of February 2026 of Service Notice under Section 15, (Intention to Acquire Compulsorily) of the Derelict Sites Act 1990, as amended.
- Copy of letter of Clare County Council dated the 22nd of April 2026 advising that the Council can no longer allow the property to remain derelict and has taken the decision to compulsorily acquire the property. It is set out that at this stage in the process only a formal objection to the proposed CPO can be made.
- Copy of Section 15 notice dated the 24th of April 2026 and accompanying map.

- Copy of objection (email) made by Rosemarie Crowley and Caroline Crowley to Clare County Council dated the 23rd of April 2026.

Report entitled 'Clare County Council Reference No. DS 23-23 4 Glensheen, Gort Road, Ennis, Co.Clare Eircode V95X2D7, 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 June 2023 and entered onto the Derelict Site Register on the 20th of September 2023.
- The property was the subject of a CPO application to An Bord Pleanala (now An Coimisiún Pleanála) in 2024. The Bord in their direction on the 29th of July 2024 stated that the existing house and its associated curtilage could reasonably be restored to residential use. An Bord Pleanala decided that it would be appropriate to refuse consent to the compulsory acquisition of the site.
- In the intervening period no works have been undertaken, the continuing deterioration and dereliction of the property is having a significant adverse impact on the Glensheen housing estate and detracts to a material degree from the amenity, character or appearance of the neighbourhood.
- The property is a source of ongoing complaints.

- The owners confirmed that they have not been in Ireland since 2018.
- It is considered that the site is a Derelict Site as defined by Section 3 (b) of the Derelict Sites Act, 1990, for the following reasons;
    - 'the neglected, unsightly or objectionable condition of the land or any structures on the land in question' (*I note that the report of the Planning Authority refers to this as being (a))*
- Following the decision of An Bord Pleanala (now An Coimisiún Pleanála) in July 2024, a further complaint was received by Clare County Council in respect of the subject site.
- Site visit was undertaken by Clare County Council on the 27th of August 2024.
- Clare County Council issued a letter to the owners on the 21st of October 2024 which included information in relation to grants. A response was required by the 6th of September 2024. (*I note that the letter on file in relation to the condition of the site is dated the 14th of October 2024. The letter included an invitation to the owners to discuss any proposals they may have for the property and the timeframe for undertaking same. The letter advised that any proposals would be considered prior to the Council taking any action under the Derelict Sites Act 1990. A link was provided for information in relation to funding and a response deadline was set as the 25th of October 2024*).
- Complaint received on the 30th of September 2024.
- On the 4th of November 2024 a recommendation was made to proceed to acquire compulsorily the derelict site under Section 14 of the Derelict Site Act, 1990. (*I note that the report on file dated the 24th of February 2026 recommended to proceed with the necessary steps for CPO*)
- The Notice of Intention to Acquire the Derelict Site Compulsorily was dated 31st of January 2025. (*I note that the Notice of Intention to Acquire the Site Compulsorily is dated the 24th of April 2026*)
- A valuation of the property was received in February 2024. A Section 22(3) Notice served upon the owners on the 31st of July 2025 was not appealed and levies are payable for 2025 and 2026. (*I note that the accompanying report of Clare County Council dated 2nd of July 2025 recommended the service of a Section 22(3) Notice)*

- Response received from the owner's dated 4th of February 2025 seeking a list of all improvements needed for the subject property. (*I note that a copy of this correspondence is not on the file.*)
- The registered owners as per the Folio details are Rosemarie and Caroline Crowley. There are no burdens outstanding.
- Despite commitments being made by the owners to undertake works including the provision of an extension to the time allocated, the site remains derelict. A recommendation was made on the 24th of February 2026 to compulsorily acquire the site under the Derelict Sites Act 1990, as amended.
- The notices of Intention to acquire the derelict site compulsorily were issued to the owners by letter dated the 22nd of April 2026 by registered and ordinary post. A copy of the Notice was sent via email on the 23rd of April 2026.
- Clare County Council received an objection from Rosemarie and Caroline Crowley on the 23rd of April 2026.
- The grounds of objection are as follows;
    - It is decision of the owners to retain their sole ownership of No. 4 Glensheen, Gort Road, Ennis, Co.Clare.
    - The Compulsory Acquisition of the property is not in the best interest of the owners.
    - The Compulsory Acquisition of the property is not in the public interest.
    - The Compulsory Acquisition is totally without merit and without the consent of the owners.
- 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 actions on other derelict properties in Ennis along with other towns and rural areas of the county.
- The compulsory acquisition of the property is justified in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- The effects of the compulsory acquisition on the rights of the effected landowner(s) are proportionate to the objective being pursued and is in the interest of the common good.

- Alternative methods of activation under the Derelict Sites Act 1990, as amended has not resulted in the owner's taking responsibility for rendering the property non-derelict or exercising the option of disposal of the property.
- Request An Coimisiún Pleanála to confirm the compulsory acquisition for the following reasons;
    - The property is derelict and is on the Derelict Sites Register since the 20th of September 2023.
    - The property has been derelict for over 18 years with no action taken by the owners despite giving written confirmation of a commitment to do so in addition to also seeking and obtaining an extension to the time period required to undertake these works.
    - Notwithstanding commitments made, extensions of time granted, the site remains derelict. There has been much communication / correspondence between the Council and the owners, no significant effort has been undertaken by them to render the property non-derelict.

4.4. Objectors Submission

On the 14th and 15th of September 2026 An Coimisiún Pleanála received submissions from Rosemarie Crowley and Caroline Crowley.

The submissions can be summarised as follows;

- The subject property was originally owned by Mr. James Crowley (RIP) and Mrs Christina Crowley (RIP) with the intention of use during their retirement. Following the passing of Mr and Mrs Crowley, Ms. C. Crowley and Ms. R. Crowley (daughters) became the sole executors in 2007. Following probate their names were registered with Taillte Eireann in July 2009 as being the sole and equitable owners.
- Photographic evidence has been included of the objectors with their father in the garden and within the curtilage of the house.
- Contends a fundamental error in the documentation issued by Clare County Council which incorrectly states that the property has been derelict for over 18 years.

- Contends that Google Street View Imagery dated June 2009 can disprove this statement and proves that the property was secure, physically intact and well maintained.
- The Councils historical narrative is therefore factually inaccurate to justify a compulsory acquisition of the property.
- Photographs of the interior of the dwelling taken in 2012 have also been included to demonstrate a well-kept and maintained property in addition to photographs taken in 2015 and photographs taken externally in 2018.
- These photographs demonstrate that the property has been continually maintained and used by the objectors as a holiday home during the years.
- Google imagery dated April 2021, May 2023 and September 2024 demonstrate a structurally sound, physically intact and well-maintained property.
- It is acknowledged by the objectors there is slight weathering to the property however the structural integrity of the building remains intact with a sound roof and no hazardous elements present.
- It is contended that slight weathering falls short of the severe statutory threshold required by Section 3 of the Derelict Sites Act 1990, as amended.
- Contends that Clare County Council is attempting to use the CPO process to penalise minor weathering.
- Refers to the decision of An Bord Pleanala (now An Coimisiún Pleanála) to refuse to consent to the compulsory acquisition of the property in 2024.
- While travel to the property has not been possible in c. 8 years, the site has never been abandoned or neglected during this period. Family members living in Clare have confirmed to the objectors the grass has been cut and gutters cleared on numerous occasions.
- It is the intention of the objectors to travel to Co. Clare towards the end of 2026 / early 2027 to deal with the minor aesthetic weathering of the property.
- Notwithstanding Clare County Council stating that information was sent to the objectors in relation to the Vacant Property Refurbishment Grant, no such information was received or has ever been applied for by the objectors.

- Highlights the incorrect spelling of the subject address on the website of An Coimisiún Pleanála.
- Notes the reference to several letters sent to the objectors which were returned. Objectors query the validity of service as they would have received them if they were addressed properly.
- In light of the issues set out, the objectors contend that there are sufficient grounds to reject the proposed CPO by Clare County Council.

4.5. Oral Hearing

No request has been received for an Oral Hearing.

5.0 **Planning History**

ABP-319207-24- On the 29th of July 2024 Consent to compulsorily acquire the property was refused on the basis that the structural integrity of the property is intact, that the building is neither in a ruinous or dangerous condition and that the property does not detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question. The Board (now the Commission) had regard to the constitutional and convention protection afforded to property rights, the public interest and the provisions of the Clare County Development Plan 2023-2029. It was considered that the existing house and its curtilage could be reasonably restored to residential use and does not constitute a derelict site.

A search of the Local Authority planning register website on the 29th 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. The Plan came into effect on 20th of April 2023. Variation No. 1 of the Plan came into effect on the 8th of June 2026.

6.1.1. The site is located within Ennis which is designated as a Key Town within the Settlement Hierarchy of County Clare.

The site is zoned 'Existing Residential', the objective of which seeks '*to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing Residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained'.*

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.

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.

Ennis and Clarecastle Settlement Plan Volume 3a and 3a(i)

The subject site is located within the Lifford Neighbourhood (Area 4).

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 road to the northwest of the site and from within the open space to the northeast of the site.

The property appeared vacant with a slightly 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;

- The house appears to be structurally intact with no visible cracks to the façade.
- The roof and chimney are intact.
- All windows and doors in place.
- Rainwater goods are present and intact.
- There is no vegetation present on the elevations.
- The property is secure from public access by reason of intact front and side boundary walls and a gate across the vehicular entrance which was in a closed position.

On the front elevation,

- Vegetation in the gutters.
- Black gutters faded
- Windows and front door in need of washing down.
- Front garden is overgrown
- Vegetation and moss growing on the tarmac driveway.
- Wall caps lying along the inside face of the northeastern boundary.
- Lower banding of the front boundary wall missing on the public facing side.

On the side elevation,

- The fascia associated with the single storey projection is discoloured with green.
- Wall caps are missing from the boundary wall

- Rear garden is overgrown (I did not access this area)

7.1.3. I note that the surrounding dwellings and adjacent area of open space 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 (b) (*as noted above, the report of the Local Authority makes reference to (a), I submit this is a typographical error*).

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

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 subject property is in need of general maintenance. Notwithstanding the presence of the wall caps along the inside face of the side boundary wall, I do not consider that the condition of the dwelling 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), I do not consider that the dwelling falls within the definition of Section 3(a) of the Act; the dwelling does not display signs of a ruinous, derelict or dangerous condition.
- In relation to Section 3(b), while the windows, doors, gutters and fascia are in need of washing down, the front and back gardens require cutting back and removal of the vegetation growth on the tarmac, the replacement of the wall caps and lower banding to the front wall, which cumulatively could be described as being neglected, unsightly or objectionable, however overall and on balance, I do not believe that it is of such 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 acknowledge the presence of wall caps along the inside face of the side boundary wall to the front of the dwelling, I do not consider this detracts to a material degree from the amenity, character or appearance of the land in the neighbourhood of the land in question.

Based on my site visit I do not consider that the condition of the dwelling and lands 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.

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 which commenced in June 2023 and was subsequently reactivated in October 2024, c. 2 months following the decision in respect of ABP-319207-24. As noted in Section 4.3.1, the detail of engagement as set out by the local authority in the derelict site report contains some inconsistencies, in this regard I have referred to the chronology of actions based on the copies of letters and reports attached to the file.

7.3.2. I note that the subject site was originally identified on the 6th of June 2023 as being derelict, unsightly and appeared to have been abandoned for several years.

7.3.3. Clare County Council served a Section 8(2) notice upon the reputed owners on the 13th of June 2023, by way of notice being affixed to the site as the address of the owners was unknown.

7.3.4. Following a site visit by Clare County Council on the 8th of September 2023, the accompanying report acknowledged that while minor works had been undertaken the property remained 'quite unsightly'. It was recommended that a Section 8(7) Notice be served.

7.3.5. Clare County Council served a Section 8(7) notice upon the reputed owners on the 20th of September 2023, by way of notice being affixed to the site, with the property entered onto the Derelict Site Register.

7.3.6. Clare County Council by report dated the 28th of November 2023 recommended that the site be acquired compulsorily.

7.3.7. Notices under Section 15 of the Derelict Sites Act 1990, as amended were issued to the owners on the 12th of January 2024.

7.3.8. Following receipt of an objection to these notices on the 12th of February 2024, the application for Compulsory Purchase Order was referred to An Bord Pleanala (now the Commission), ref. ABP-319207-24. By order dated the 29th of July 2024, a decision was made to refuse consent to confirm the compulsory acquisition of the property.

7.3.9. Clare County Council by letter to the owners dated the 14th of October 2024, (c. two months following the decision of An Bord Pleanala in respect of ABP-319207-24), set out that concerns had been raised in relation to the condition of the property and on that basis a site visit was undertaken. It was set out that based on the site inspection undertaken, the property was considered to be derelict within the meaning of the Derelict Sites Act 1990, as amended. The letter offered an opportunity for the owners to discuss any proposals they might have to address the issues of the property prior to the Council acting under the Derelict Site Act 1990, as amended. The letter also included information on grants schemes available. The letter requested a response by the 25th of October 2024.

7.3.10. Clare County Council undertook a site visit on the 10th of February 2025 and considered that the property was still in a derelict condition. The report recommended that a Section 11 notice be issued to the owners, outlining measures to be undertaken. The Section 11 Notice was issued on the 10th of February 2025 by email and required the measures set out to be taken within two months.

7.3.11. From review of the documents on the file, an email dated the 18th of February 2025 from the owners to Clare County Council appears to suggest that there was an agreement to allowing the works to be completed until the end of May 2025. An email dated the 28th of May 2025 from Clare County Council to the owners appears to suggest a further extension of time up to August 2025 was sought. Clare County Council approved an extension of time up to the end of June 2025. The Council

advised that a decision would then be made as to the action which would be taken, e.g. the billing of the Derelict Sites Levy and recommencing the Compulsory Acquisition Process.

7.3.12. Clare County Council undertook a site visit on the 1st of July 2025 and noted that the property continued to be unkempt. The report recommended that a notice under Section 22(3) be served upon the owners.

7.3.13. A further site visit by Clare County Council was undertaken on the 24th of February 2026. The report notes that the property continues to deteriorate and no action has been taken by the owners to render the site non-derelict. No payments for the Derelict Site Levy have been made. The report notes the continued complaints received by the Council in respect of the property. It is contended that rodents are visible at the property.

7.3.14. The report recommended that the necessary steps be taken for the CPO procedure under Section 15 of the Derelict Sites Act 1990, as amended.

7.3.15. Notices under Section 15 of the Derelict Site Act, 1990 as amended, dated the 24th of April 2026 were issued to the reputed owners on the 22nd and 23rd of April 2026 and published in the Clare Champion on the 24th of April 2026.

7.3.16. 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.

7.3.17. 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”.

7.3.18. As outlined in the report of the Local Authority, Clare County Council have demonstrated consistent engagement with the owners since the property was first identified in June 2023 in relation to the contended objectionable state of the property. Following the decision of ABP-319207-24, Clare County Council reactivated

engagement with the owners on the 14th of October 2024 c. two months after the decision to refuse consent to confirm the sought compulsory acquisition of the site.

7.3.19. The Derelict Site Report of the Planning Authority contends that it is the view of Clare County Council that the compulsory acquisition is justified in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition. I note that this Derelict Site report does not set out what the intentions of Clare County Council would be for the dwelling. I refer to the report of Clare County Council dated the 24th of February 2026 which sets out that following acquisition the Council would dispose of the property or seek to have it developed as a housing unit.

7.3.20. Clare County Council maintain that the property has been derelict for over 18 years however I note that the property only came to the attention of the local authority in 2023 when action was taken. I note that photographs provided by the Planning Authority are only relevant to the period June 2023 to the present date. The Planning Authority have not provided photographic evidence of the property prior to 2023.

7.3.21. In the context of the subject site and the status of the property which in my opinion is structurally intact and just in need of general maintenance, I do not consider that the need and interest of the common good would be met by the proposed acquisition of the subject property. From my site visit and review of the information, my opinion would be consistent with that of the decision of ABP-319207-24 in that the house and site could be reasonably restored to residential use. I do not consider that the proposed compulsory acquisition of the subject property would be proportionate to the end to be achieved.

7.3.22. Having regard to the condition of the property and the history relating to the site, I am not 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 9.14 and CDP 17.10 seek to address instances of dereliction and the reuse and regeneration of derelict and vacant sites.

7.4.2. 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 need of general maintenance at the time of application.

7.5.2. From the information available on the file, I acknowledge that the owners did not make contact with Clare County Council in relation to the Section 8(2) and Section 8(7) notices served upon the site in 2023. By letter received by Clare County Council on the 12th of February 2024, the owners set out their apologies with the delay in their response arising from health issues which were circumstances beyond their control.

7.5.3. Following the decision to refuse consent to compulsorily acquire the property under ABP-319207-24, it again appears that the owners did not respond to the letter issued by Clare County Council on the 14th of October 2024. However, contact by the owners was made following the service of the Section 11 Notice in February 2025 in which an extension of time was sought to address the works required.

7.5.4. An email from the owners to Clare County Council dated the 13th of June 2025 refers to an ongoing issue in relation to the owner's family. The letter indicates that if the owners were unable to travel to Ireland by the end of June 2025 'due to said ongoing issues' alternative arrangements would be made.

7.5.5. I do acknowledge that the engagement by the owners overall has not resulted in the measures required by the Section 11 Notice being taken to address the maintenance issues with the dwelling. Having regard to the limited scale of works required to be undertaken to the property, I am satisfied that such works would be capable of being completed within a reasonable timeframe. I have also acknowledged together the contents of the submission made to An Coimisiún Pleanála on the 14th of September 2026 which indicates that the owners intend to travel to Ireland towards the end of 2026, early 2027 to address the minor issues, with other family members in the locality

having tended to the grass and gutters on numerous occasions, I would contend that it would be unreasonable and not proportionate to the end to be achieved, at this point in time to confirm consent for the compulsory acquisition of the property.

8.0 **Conclusion**

8.1. 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 semidetached dwelling with a stated site area of 0.042 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 24th of April 2026 and on the deposited map reference 2023-23-01, DS23-23, 4 Glensheen, Gort Road, Ennis, Co. Clare, pursues, and is rationally connected to a legitimate objective in the public interest, namely to ensure that the lands do not continue to be in a derelict condition.

8.2. I am further satisfied that the proposed acquisition of these lands by the acquiring authority, which are currently in an unsightly and objectionable condition, was consistent with the policies and objectives of the Clare County Development Plan 2023-2029, and specifically, CDP5.2, CDP 9.14 and CDP17.10, 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. However, I am not satisfied that the condition of the site is so unsightly and objectionable that it detracts to a material degree from the amenity and character of the neighbourhood.

8.3. I am not satisfied, therefore, that the process and procedures undertaken by Clare County Council have been fair and reasonable, or that the local authority has demonstrated the need for the lands, or that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site. It is further acknowledged that the acquiring authority has not adequately demonstrated that the means chosen to achieve the objective in the public interest would have impaired the property rights of affected landowners as little as possible, and that the effects of the compulsory acquisition on the rights of affected landowners were proportionate to the objective being pursued at the time.

8.4. 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 alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate. Having regard to the current condition of the site, I am no longer satisfied that the grant of consent to compulsorily acquire the lands is justified by the exigencies of the common good at this point in time.

9.0 **Recommendation**

9.1. Notwithstanding the current unsightly condition of the site, the site does not detract to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood. I do not, therefore, consider it reasonable that the local authority seeks to compulsorily acquire that land as provided for in Section 14 of the Derelict sites Act. I recommend, therefore, that the Commission refuses consent to Clare County Council to the compulsory acquisition of the site.

10.0 **Reasons and Considerations**

Notwithstanding the current unsightly and objectionable condition of the site, having considered the objection(s) made to the compulsory acquisition, and also:

a. The constitutional and Convention protection afforded to property rights,

b. The public interest, and

c. The provisions of Clare County Development Plan 2023-2029.

it is considered that the site does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict. The Commission is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity or 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

30th September 2026