Inspector's Report

ACP-324375-26

Development	Derelict Site.
Location	Main Street, O'Briensbridge, County Clare.
Local Authority	Clare County Council.
Notice Party	Liam Ryan.
Date of Site Inspection	10th September 2026.
Inspector	C. Daly.

1.0 Introduction

1.1. This case relates to a request by Clare County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of the subject site at Main Street, O' Briensbridge, 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, of area 0.016ha. consists of a two storey three bay pitched roof dwelling with rear return with a side vehicular metal entrance gate. The building directly fronts the main street in the village of O' Briensbridge.

2.2. When viewed from the street the slated roof appeared to be in a state of partial collapse, some cracks were visible in the front façade wall, a lower area of the front façade included an area where the paint had peeled off, one window was boarded up and the window, eaves gutters were missing and the side gable visible from the street was dirty and included some creeper type plant growing on it.

2.3. The site is in the village centre within an Architectural Conservation Area and is opposite the River Shannon and diagonally opposite a road bridge over the river. The property is c.12km north-east of Limerick city.

3.0 Application for Consent for Acquisition

3.1. Clare County Council applied to the Commission to compulsorily acquire the subject property under Section 14 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to Clare County Council serving a notice on 23rd April 2026 under Section 14 of the Derelict Sites Act, 1990, as amended, advising of the Local Authority's intention to compulsorily acquire under the Act, the derelict property as described.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Clare County Council's intention to compulsorily acquire the property was served upon the owners/ occupiers (Liam Ryan) on the 23rd April 2026 and was published in the Clare Champion newspaper dated 24th April 2026. The property was described in the notices, as follows:

- The property known as Main Street, O' Briensbridge, Co. Clare, and comprising an area of approximately 0.016 ha.

4.1.2. I consider that the notices were in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. One submission (on behalf of the property owner) expressing objection to the proposed acquisition was submitted to Clare County Council by Killaloe Consultants Ltd.

4.2.2. The objection to the proposed acquisition was submitted and received on 15th May 2026, the deadline was advised as on or before one month and one day of the date of the notice.

4.2.3. The objection can be summarised as follows:

- A planning application has now been lodged to demolish the derelict structure and erect a replacement house in its place.
- The roof of the house has collapsed and the front wall is bulged and cannot support a replacement roof. The internal floors have collapsed and the structure on site is not viable to retain.
- The owner opposes the compulsory acquisition and undertakes to erect a replacement house when permission is granted.

4.3. Local Authority Application for Consent

4.3.1. The Local Authority requested the consent of the Commission to the compulsory acquisition of the derelict site on 17th June 2026. This included a report of the

Council including the history of the file, efforts made to engage with the owner and the compulsory purchase order process followed to date. It also includes:

- Council letter to Mr Ryan of 21st April 2023 informing him that they consider the property to be derelict and offering an opportunity to discuss any proposals he has to improve the property condition and the timeframe for this.
- Council letter to Mr Ryan dated 16th June 2023 enclosing a Section 8(2) notice of their intention to enter the property on the Derelict Sites Register and inviting him to make representations within 21 days of the notice date.
- Council memorandum dated 19th July 2023 of recommendation to serve a Section 8(7) notice on the owner as it considers the property to be derelict based on Sections 3(a) and (b) of the Act.
- Council letter to Mr Ryan dated 26th July 2023 enclosing a Section 8(7) notice that states the property is now on the Derelict Sites Register and that the Council is entitled to levy 7% of the value of the property annually until it is rendered non-derelict and property map enclosed.
- Council Derelict Site report dated 28th February 2024 and 13th May 2024 with photo and note that there has been no improvement to the property and that a valuation to be sought.
- Council letter of 13th May 2024 to Mr Ryan stating its intention to charge a 7% levy on the value of the property and that they are now preparing to get a valuation of the property.
- Council report of 17th July 2024 with photo of the property noting that it has deteriorated and is to be valued for the levy.
- Council order dated 20th January 2025 that a notice under Section 22(3) be served on Mr Ryan.
- Council letter of 20th January 2025 to Mr Ryan informing him that the market value of the property has been determined at €70,000, that an annual levy of 7% of this value will now apply, should the site remain derelict and no proposal be made by 21st March 2025, that the levy bill will issue and of the right to appeal the market value. Enclosed Section 22(3) notice of determination of market value of €70,000.

- Council notice under Section 15 dated 25th February 2026 that compulsory acquisition of the site be proceeded with as well as serving of notices with Derelict Site Report noting the file history and current property condition, including photos.
- Council letter of 23rd April 2026 to Mr Ryan outlining that they have taken the decision to compulsorily acquire the property and enclosed with a Notice of Intention to Acquire Derelict Site Compulsorily with an attached map.

4.4. **Objector's Submission**

4.4.1. None received.

4.5. **Oral Hearing**

4.5.1. No request has been received for an oral hearing.

5.0 Planning History

26/60315: Permission applied for on 14th May 2026 by Liam Ryan at subject property to demolish existing house and erect a replacement house, connect to existing septic tank and all associated site works. Further Information requested by the P.A. dated 7th July 2026 in relation to (1) the location with an Architectural Conservation Area and the case for demolition and (2) details of the existing septic tank and percolation area.

6.0 Legislation and Policy Context

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

The Derelict Sites Act 1990, as amended, makes provision to prevent land being or becoming a derelict site. It, inter alia, enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

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."

Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/ owners of their intention to do so.
- Section 9 of the Act places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- Section 10 of the Act places a similar duty on Local Authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.
- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.
- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

6.2. **Clare County Development Plan 2023-2029 (the CDP)**

Volume 1

Section 4.2.2 relates to Compact Growth and includes, inter alia, that "…this requires the integration of land use and transport, an intensification of use of existing underutilised lands and the consolidation of the built environment through the development of brownfield and infill lands, as well as the reuse of vacant and derelict buildings in urban settlements…"

Objective CDP 4.3 includes that it is an objective to support "initiatives that facilitate the regeneration of derelict buildings and vacant sites for the provision of high-quality, environmentally friendly Near Zero Energy Buildings (NZEB) affordable housing".

Objective CDP 4.7 It is an objective of Clare County Council: a) To promote the consolidation of the existing large villages through brownfield reuse/redevelopment and through compact growth within the appropriate land use zoning and/or the areas identified for village growth…

Objective CDP 4.8 It is an objective of Clare County Council: a) To promote the consolidation of the existing small villages through brownfield reuse/redevelopment and through compact growth within the designated village growth areas.

Refurbishment of a Derelict House/Structure in the Countryside

CDP 4.18 Subject to 7 conditions "It is an objective of Clare County Council: To permit applications for the refurbishment of a derelict house/structure in the countryside…"

Objective CDP 5.2 To prioritise the reuse of existing housing stock in the Plan area and the renovation and re-use of obsolete, vacant and derelict homes

Objective CDP 9.14 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.

Section 17.1 Strategic Aims notes that it is policy to "achieve the beneficial reuse of vacant, derelict or under-utilised sites, particularly the identified Opportunity Sites".

Section 17.2.7 Addressing Vacancy

Building vacancy in towns and villages has become increasingly prevalent, resulting in the demise of the historic vibrancy and vitality of town and village centres. The re-use and regeneration of these buildings are essential catalysts for transforming the capacity and potential of these settlements. It is important to secure a beneficial use for vacant properties in the Plan area in order to ensure that they do not fall into disrepair and begin to have a negative impact on the appearance of their environs.

Section 17.2.10 Derelict Sites

Objective CDP 17.10 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.

<u>Volume 3c – Killaloe Municipal District Settlement Plans</u>

The section on O' Briensbridge includes the following general objective,

…To promote the consolidation of the existing villages through brownfield reuse/redevelopment and compact growth within the designated Village Growth Areas…

The growth strategy for the village is that

The delivery of any new development in O'Briensbridge and Bridgetown will be encouraged by adopting a combined approach of sequential compact growth and the re-use and redevelopment of vacant or derelict sites and buildings within the village.

7.0 Assessment

7.1. Site Inspection

7.1.1. On my site visit, I viewed the front façade and side gable of the property from the street in the centre of O'Briensbridge village. It was not possible to access inside the property or to the rear/side. I noted significant signs of disrepair to the front and side facades of the dwelling including an area of pealed paint and plaster on the front façade, dirt and some overgrowth on the front façade, some missing roof slates, a partially sagging front roof, overgrowth and dirt on the side gable and rust on the top of the side gate.

7.1.2. It appeared from looking through the upper floor windows that parts of the rear section of the roof may be missing as the sky was partly visible from this angle.

7.2. Category of Dereliction

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

7.2.1. Category (a) above of Section 3 of the Act relates to ruinous, derelict or structures in a dangerous condition. From my site visit, I observed the dwelling to be closed up, vacant and in a poor condition. I note the response on behalf of the owner states that that the roof has collapsed, the front wall is bulged and is unable to support a replacement roof and that the internal floors have collapsed and that the structure is not viable to retain. I note the planning application to demolish and replace the structure.

7.2.2. I consider the dwelling structure to currently be in a poor condition and that significant works would be required to make it a readily useable and accessible habitable structure. I therefore consider that the property meets the criteria of category (a) above.

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

7.2.3. I have noted issues in relation to the unsightly and neglected state of the front façade, the sagging front roof and side gable including in relation to dirt, peeled

plaster and paint and overgrowth. Based on this, I consider that the structure has an unsightly and neglected appearance that meets the criteria of category (b) above.

(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.

7.2.4. On my site visit, I did not notice the presence of any litter, rubbish, debris or waste at the property. Based on this, I do not consider that the category (c) criteria are met in this case.

7.2.5. Noting that I consider that categories (a) and (b) of Section 3 of the Act have been met, then I consider that the land detracts to a material degree from the amenity, character and appearance of the property in the context of the local neighbourhood.

7.3. Action of Local Authority and Responses

7.3.1. I note the Council wrote to the owner from 21st April 2023 outlining their concerns about the property. I note they wrote to Mr Ryan on 26th July 2023 notifying him that the property is on the Derelict Sites Register and of their entitlement to levy annually an amount of 7% of the property value.

7.3.2. I note the notice the Council issued of 25th February 2026 that compulsory acquisition of the property be proceeded with and the letter of 23rd April to Mr Ryan outlining the decision to compulsory acquire the property with a notice. I have outlined in Section 4.3 above the correspondence on the file including the references to the site visits they conducted and the photos of the property.

7.3.3. I note the Council report submitted to ACP on the 18th June 2026. I note that this outlines, inter alia, the history of actions taken on the property, the planning history, details of title, and their decision to CPO the property and the objection to this. It also notes the Council's response to the owner's objection.

7.3.4. Its response to the objection notes that apart from the painting of the property, it considers that no substantive improvement works have been undertaken. It notes the legal obligation under Section 9 of the act for the owner to take all reasonable steps to ensure the property does not become derelict or continue to be derelict. It

notes that it was after the compulsory acquisition process commenced that they were first notified of the owner's intention to demolish and redevelop the property.

7.3.5. I note also the Council's refers to Development Plan policy including Section 17.2.9 (Derelict Sites) which includes using the Act to require owners of derelict property to carry out suitable improvements and to acquire properties in order to carry out improvements and revitalise surrounding areas.

7.3.6. I note their reference to national policy, 'Delivering Homes, Building Communities 2025-2030 Government of Ireland Action Plan on Housing Supply and Targeting Homelessness' and Section 4.1 thereof in relation to the Compulsory Purchase Order Activation Programme – Addressing vacancy and dereliction. It also references the Compulsory Purchase Order (CPO) Activation Programme (2023) as well as the Vacant Homes Action Plan 2023 to 2026, Department of Housing, Heritage and Local Government.

7.4. Issues of Proportionality

7.4.1. Having reviewed the actions of the L.A., I am of the view that they allowed sufficient opportunity and time for the owner to address the issues they communicated. I consider that they actively engaged with the property owner. I note that the requirements to serve notice on every owner, lessee and occupier have been satisfied.

7.4.2. I note the property owner's representative has noted significant issues with the property and that they consider demolition and replacement to be required. I note that a planning application for this purpose has been lodged.

7.4.3. I note that constitutional protections apply to individual property rights per Articles 40 and 43 of the Constitution. Based on case law, should the Commission consider that allowing the compulsory purchase of the property is justified based on any of the categories of dereliction assessed in Section 7.2 above, it should also be satisfied that the following tests are met to ensure the proportionality and reasonableness of the proposed action.

- The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the statutory development plan relating to the area.

- There is a community need that is to be met by the acquisition of the lands in question.
- The project proposed and the associated acquisition of lands is suitable to meet the community need.
- Any alternatives proposed to meet the community need have been considered but are not demonstrably preferable.
- The extent of land-take should have due regard to the issue of proportionality.

County Development Plan

7.4.4. I note that Development Plan policy seeks to address issues of dereliction, particularly relating to town/village centre lands such as the subject property. I note policy seeks to improve the visual appearance of villages through the re-use of derelict sites. It outlines policy to use all available means to work with derelict site owners to bring such sites back into use and for compulsory acquisition to be used to carry out improvements to such sites.

7.4.5. I note that CDP policy specifically in relation to the village of O' Briensbridge notes that the growth strategy encourages sequential compact growth and the re-use and redevelopment of vacant or derelict sites and buildings within the village.

7.4.6. Noting the local policy context, it is my opinion that the building works required to make the property non-derelict would not contravene the Development Plan and that such works would be consistent with its policies and objectives.

Community Need and Suitability

7.4.7. I note that the objective of the Council is to bring the dwelling back into use. I consider that accommodating this type of growth of residential accommodation, in the context of housing policy, via a compulsory acquisition would meet a community need in relation to the provision of housing.

7.4.8. In my opinion, the sustainable re-use of the building as a house would be suitable as a means of seeking to address housing need in the area.

Alternatives

7.4.9. I note that no viable or timely alternatives to the proposed acquisition of the property have been put forward by the owners. While I note the owner's planning application,

I note that this was only lodged on the 14th May 2026 and that the owner had ample time to address the concerns of the L.A. prior to this.

Land Take

7.4.10. In relation to the modest site area of 0.016ha. for the house, noting that the property is located centrally in the village, I do not consider the proposed land take to be excessive noting that the acquisition is both necessary and suitable to ensure that the lands do not continue to be 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 the property at Main Street, O' Briensbridge, Co. Clare, of area 0.016ha., as set out in the Derelict Site Notice issued under Section 14 of the Derelict sites Act 1990, (as amended) and dated 24th April 2026 and on the deposited maps (DS 22-21), 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.

8.3. 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 compulsory acquisition on the rights of affected landowners 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, specifically Objective 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 that the grant of consent to compulsorily 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 property, in particular the neglected, unsightly and objectionable state of the land and the structure thereon, and that it is in a ruinous, derelict and dangerous condition, I consider that the property 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 property.

10.0 Reasons and Considerations

10.1. Having regard to the ruinous and derelict condition of the structure and the derelict, dangerous, neglected, unsightly and objectionable state of the structure and land, having considered the objection made to the compulsory acquisition, and also:

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

b. The public interest, and

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

it is considered that the property 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 sections 3(a) and 3(b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the property by the local authority is necessary in order to render the property non-derelict and to prevent it from continuing to be a derelict property. It is also considered that the objection made to the Council 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ciarán Daly
Planning Inspector

9th October 2026