Inspector's Report

ACP-324376-26

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	Former Inis Cathaigh Hotel and Surrounding Site, Frances Street, Kilrush, Co. Clare
Planning Authority	Clare County Council
Notice Party	Liam Madden Vitruvius Hibernicus (Consultant) on behalf of Anthony Kelly.
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 Former Inis Cathaigh Hotel and surrounding site, Frances 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 being the former Inis Cathaigh Hotel is located towards the southwestern end of Frances Street, Kilrush, Co.Clare. Frances Street is a wide linear street with terraced buildings addressing each side of the road. There is on street parking provided on both sides of the road in addition to a bus stop on the northeastern side of Frances Street.

2.2. Market Square is located to the northeast and is the main retail area with the harbour and marina area located to the southwest of the subject site.

2.3. The subject property is a three-storey end of terrace building. The site has a stated area of 0.22 hectares and addresses the road with a southeast facing orientation.

2.4. There is an access area to the southwest of the building acting as a buffer between the subject site and the adjacent building which is occupied and in use by Supervalu. The adjoining building to the northeast appears to have been recently refurbished and presents to Frances Street as an attractive building.

2.5. During my site visit, on a Monday afternoon at four o'clock, the area was busy.

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

On the front elevation, addressing Frances Street,

- There are holes in the roof with the rafters exposed.
- Missing ridge caps.
- There are no fascia, gutters or downpipes.
- Missing pediment above ground floor window ope.
- All windows have been boarded up.

- The windows at ground floor have been boarded up with painted timber which is now in a state of significant disrepair.
- Windows above ground floor level has been boarded up with metal sheeting.
- The sheeting is missing from one window at first floor level with the interior shutter exposed.
- The sheeting is missing from one window at second floor level, and the sheeting appears to be resting on the interior windowsill. The sheeting is partially missing from another window at this level.
- There is vegetation between the bargeboard and the roof slope.
- The paintwork is peeling and in need of repair.
- There is evidence of cracks across the elevation.
- There is deterioration at the base of the building and the public footpath.

On the side elevation, southwest elevation, addressing the Supervalu Building;

- Significant vegetation growth on the elevations, windowsills, pediments.
- Disconnected external pipework.
- Evidence of cracks.
- Paintwork is discoloured, stained and in need of repair.
- The mismatched westerly pier for the temporary gate is rusted and in need of repair.
- While not immediately visible to the street, the whole area behind the gate is completely overgrown.

At time of site visit, I noted the presence of a ‘For Sale’ sign attached to the front elevation.

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

2.8. Based on a comparison of photographs attached to the Local Authority's Compulsory Acquisition Report, most recent dated photographs dated February 2025, I note that no works or improvements have been carried out at the subject property.

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 owner on the 3rd of September 2010. (I note that this notice was reissued to the owner on the 18th of October 2010 as the original post was not collected by the owner)
- Section 8(7) Notice of the Derelict Sites Act 1990 served on the owner on the 21st of March 2011.
- 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 on the 22nd of April 2026 to Sheehan & Co Solicitors for informative purposes in which they were advised that it would be served upon the owner on that day and would be published in that week's edition of the Clare Champion. On the 23rd of April 2026, Clare County Council issued the notice by registered and ordinary post to the owner.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

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

The notice was sent by registered and ordinary post to the owner.

The notices set out the address of the property with a stated site area of 0.22 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 DS10-01KTC.

I note the concerns raised within the letter of objection made to Clare County Council regarding the date of the notices relative to the date of issue. I note that Clare County Council states that the Clare Champion issues to the public on a Thursday but is dated for the Friday of the week of publication. The notice was issued to coincide with the date the newspaper would be available to the public. I submit that the serving of the notices did not prejudice the owner from making an objection to the proposed compulsory acquisition of the property and I note that the owner does not dispute receiving the notice.

4.2. **Objection to Acquisition**

An objection to the proposed acquisition was received by Clare County Council from Sheehan & Co. Solicitors on behalf of the owner on the 22nd of May 2026 (date stamped).

The objection can be summarised as follows;

- Owner is presently engaged in the process of obtaining legal, planning and professional advice arising from matters the subject notice.
    - Without limitation, including consideration of the factual and legal basis upon which the property is alleged to constitute a derelict site including the present condition and status of the building and the extent to which the statutory criteria have been satisfied.
- Active enquiries and consultation are presently ongoing in relation to the potential remedial, refurbishment and improvement works at the property together with broader proposals directed towards addressing the matters identified by the Council and obviating the necessity for any acquisition process.

- Consideration by the owner of substantive and procedural grounds of objection to the proposed acquisition including but not limited to
    - The characterisation of the property as derelict
    - The proportionality and necessity of the measures proposed
    - The adequacy of the process adopted to date
- And such other matters as may arise upon completion of the investigations and review of documentation.
- Refer to a discrepancy arising between the date of the Councils correspondence, namely the 22nd of April 2026 and the date borne on the Section 15 Notice, i.e. the 24th of April 2026. Reserve the owner's position as to the validity of the Notice.
- Pending completion of the owners' investigations and the furnishing of detailed submissions and representations, request that the Council refrain from taking any further step in the acquisition process.
- For the avoidance of doubt, the owner reserves all rights, entitlements, objections and remedies arising at law and pursuant to statute in respect of this matter.

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 18th of June 2026 and was accompanied by the following;

- Compulsory Acquisition Map (Site Location Map)
- Newspaper notice published in the Clare Champion on 24th of April 2026.
- Detailed Local Authority Report including;
    - Copy of letter from Clare County Council to the owner of the property on the 27th of June 2002, advising of the works required to be undertaken to the property.
    - Copy of Section 8 Notice (year 2002, not dated or signed) issued by Clare County Council to the owner.
    - Folio Details.

- Copy of report of Clare County Council dated the 17th of August 2010, which recommends, following site visit that a Section 8(2) notice be issued.
- Copy of Section 8(2) Notice issued by Clare County Council to the owner on the 3rd of September 2010
- Copy of letter from Clare County Council dated the 18th of October 2010 to the owner, noting that the registered post of the 3rd of September 2010 had not been collected by the owner. The Section 8(2) notice was also attached again.
- Copy of letter from Clare County Council dated the 1st of November 2010 to the owner, setting out the works required to be taken to prevent the building from being placed on the derelict site register. Such works included;
    - Clean up rubbish, waste material and overgrowth around the site.
    - Provide solid hoarding to the side of the building to screen the site from public view.
    - Board up existing gaps on windows. Paint black and incorporate white frames / glazing bars.
    - Incorporate a 4" circular hole to each boarded window to allow for ventilation to window boards.
    - Clean/repaint existing walls of building.
- Copy of Section 8(7) notice dated the 21st of March 2011 issued by Clare County Council to the owner.
- Copy of Section 11 Notice dated the 21st of March 2011 issued by Clare County Council to the owner. (the works required to be undertaken reflect those detailed above)
- Copy of correspondence from Clare County Council dated 22nd of March 2011 to the owner attaching the map in relation to the subject site.
- Copy of letter from O'Kelly Moylan Solicitors dated the 11th of April 2011 to Clare County Council stating they would be acting on behalf of the owners and requested a copy of the notices issued.

- Copy of letter from Clare County Council dated the 19th of April 2011 to O'Kelly Moylan Solicitors enclosing all correspondence which issued to the owner.
- Copy of letter from Clare County Council dated the 11th of May 2011 referring to the letter of the 19th of April seeking a response to the measures to be taken outlined in the Section 11 Notice.
- Copy of report of Clare County Council dated the 25th of November 2011, following a site visit on the 16th of November 2011, noting that some of the required works had been undertaken but that the building remains in a derelict condition.
- Copy of letter from Clare County Council dated the 17th of January 2012 to the owner, referring to the previous correspondence of the Council and that no response had been received. Requested that contact be made with the Council on or before the 31st of January 2012. The annual levy would be charged after this date if no contact was made.
- Copy of letter from O'Kelly Moylan Solicitors dated the 25th of January 2012 to Clare County Council, noting that the owner was abroad and efforts were being made to make contact. It was confirmed that the property was on the market and the owner was anxious to sell. It was set out that the owner had concluded negotiations with the Council for them to purchase the property but at the last minute the Council changed their minds. The imposition of a levy would be a further unnecessary hardship on the owner.
- Copy of letter from Clare County Council dated the 2nd of March 2012 to O'Kelly Moylan Solicitors advising that a site inspection would be carried out and following this inspection correspondence would issue.
- Copy of Memorandum of Clare County Council dated the 4th of March 2013 (*I note the signed date of the report is at odds to the date of site inspection*). A site visit was undertaken on the 28th of February 2014, it was noted that the front elevation had been painted and the windows on the ground floor front elevation had been boarded up and painted. A new fence was provided to the west of the building; however, it was noted that the windows on the western elevation were broken and in need of

repair. It was recommended that a letter be sent to the owner, advising of the prominent location of the building in the ACA and required that the windows on the western elevation be tended to within 14 days of the date of the letter. This letter was sent to the owner on the 6th of March 2014 and a copy is enclosed.

- Copy of Memorandum of Clare County Council dated the 25th of April 2014 noting that no response had been received. It was requested that the windows on the western elevation be repaired within 7 days from the date of the letter. Failure to do so may result in legal action being taken against the owner pursuant to the Derelict Site Act 1990. This letter was sent to the owner and to O'Kelly Moylan Solicitors on the 7th of May 2014.
- Copy of Memorandum of Clare County Council dated the 10th of June 2014 noting that the owner had not carried out the works to the property which were required in the correspondence dated the 7th of May and the 6th of March 2014. The report recommended that a market valuation be obtained for the site and the owner be levied 3% of the market value.
- Partial copy of Valuation of the site which was undertaken by Paddy Browne and Co on the 10th of July 2014. I note that another report of Clare County Council dated April 2026 indicates that the property was valued at €165,000.
- Copy of report of Clare County Council dated the 13th of April 2017, following site inspection on the 23rd of March 2017, recommend that a Section 11 Notice be served on the owner and to arrange a current market valuation of the property. (*I note that there is no copy of this Section 11 notice was on file)*
    - Clean down and paint front and side elevations of the building in a neutral colour.
    - Remove boards from windows on front elevation.
    - Repair/replace all windows.
    - Repair and/or replace rainwater goods and remove overgrowth.
    - Paint front boundary fence.
    - Remove overgrowth from the site.

- Copy of letter from Clare County Council dated the 11th of February 2022 to the owner (c/o O'Kelly Moylan Solicitors) requesting to know what proposals the owner had, if any for the property to be considered prior to making a decision on issuing any notices under the Derelict Sites Act, 1990, as amended.
- Copy of Residential Valuation Report, received by hand by Clare County Council on the 6th of May 2022, prepared for the owner of the site, dated the 28th of April 2022.
- Copy of letter from Clare County Council dated the 28th of June 2022 stating that the bills under the Derelict Site Levy maybe issued from 1st January 2023 based on the valuation submitted by the owner on the 28th of April 2022. The letter formally asked for the owner to submit proposals for the site. The letter also suggested that if the owner did not have any plans to refurbish the property in the short term, it would be good a time to put the property on the market.
- Copy of extract from Daft Property website on the 22nd of September 2022, illustrating the property being for sale.
- Copy of internal email correspondence, dated the 1st of February 2024 from Clare County Council including photographs of the site stating that a gate was erected.
- Copy of letter from Liam Madden received by Clare County Council on the 27th of March 2024. The letter stated that Liam Madden was now retained by the owner. It is stated that the owner had not been given any reasons why his property was considered to be derelict, and such reasons were requested and why they were not provided to the owner. It was the desire of the owner to have the property removed from the Derelict Sites Register and the actions required to do this was requested.
- Copy of letter from Clare County Council dated the 28th of March 2024 to Liam Madden. Attached to this letter was copies of notices issued under Section 8(2) and 8(7) of the Derelict Sites Act, 1990, as amended which included the reasons why the site was added to the derelict sites register. The required actions were set out. It is stated that as the owner

had advised that the property was for sale, no recent Section 11 notice had been served in respect of the site.

- Copy of letter from Liam Madden received by Clare County Council on the 5th of April 2024 noting that there was no recent Section 11 Notice and requested copies of any previous Section 11 Notice.
- Copy of letter from Liam Madden received by Clare County Council on the 11th of June 2024 noting that the letter of 4th of April 2024 remains unanswered. Concern raised in relation to the need for an updated Section 11 Notice given the location of the site within an ACA and in such absence planning permission maybe required. The owner is anxious to have the site removed from the Derelict Sites Register but unless the Section 11 notice issues, the owner cannot reasonably rely on the letter of Clare County Council dated the 28th of March 2024 which requests that part of the premises be demolished which the Development Plan requires to be conserved, an inherent contradiction.
- Copy of letter from Liam Madden dated 16th of June 2024, received by Clare County Council on the 17th of July 2024 (Date Stamp). The letter provides what action will be taken by the owner in respect of the windows, vegetation, roof, front-west, waste and rodent control.
- Copy of internal email correspondence from the Architectural Conservation Officer of Clare County Council dated the 28th of June 2024.
- Copy of letter from Clare County Council dated the 8th of July 2024 to Liam Madden in reference to correspondence dated the 7th of June 2024 and apologies provided for delay in response by the Council. A Section 11 Notice was issued to the owner on the 8th of July 2024. The works required relate to the;
    - Reinstatement of all windows.
    - Clearance of all vegetation and overgrowth.
    - Roof shall be repaired and reinstatement of half round cast iron gutters and downpipes.
    - Front and west elevations to be cleaned down and all loose fittings removed. The building to be painted.

- Removal of all waste.
- Reputable rodent control firm to survey the building.

- Copy of letter from Clare County Council dated the 8th of July 2024 explaining that as a Section 11 Notice had been requested and as no works had been undertaken and the property had not sold, the Council had no option but to serve such notice. This letter also referred to an appeal lodged by the owner to the Valuation Tribunal.
- Copy of letter from Clare County Council dated the 8th of July 2024 to Liam Madden, enclosing the Section 11 notice issued to the owner.
- Copy of email correspondence between Clare County Council and Liam Madden dated 17-19th of July 2024 in respect of timelines for works to be commenced.
- Copy of report of Clare County Council dated the 14th of August 2024 following inspection of the site. Noted that while some vegetation had been removed, most vegetation remains. Conclude that the subject is a Derelict Site as defined by Section 3(a) of the Derelict Sites Act 1990, as amended.
- Copy of report of Clare County Council dated the 24th of October 2024, recommends that a Section 22 Notice be served with valuation of €275,000 and to update the CRM to reflect that the property is for sale.
- Copy of Council notes with photo of building taken on the 10th of February 2025 stating that property is on Daft.ie but is not on the website of the auctioneer.
- Copy of property for sale details, and following discussion with the selling agent, notes dated the 25th of February 2025, included to state that enquiries had been slow, may need engineering assessments, a lot of clearance works done and it is clearer for people to view the site.
- Notes of the Council dated the 24th of March 2025 following discussion with the auctioneer there has been little interest.
- Copy of report of Clare County Council dated the 10th of April 2026 sets out that the building is in a bad state and recommends that the Council proceed with a compulsory order.

- Copy of report of Clare County Council dated the 11th of April 2026 noting the incident which took place at the site and the sheeting may have come loose with concerns that would fall onto the public footpath. Clare County Fire Service removed the danger.
- Copy of report of Clare County Council dated the 24th of April 2026 which recommends that following acquisition, the Council would dispose of the property or seek to have it developed. Any disposal would be subject to approval of the elected members and a specific time period given to the purchaser.
- Copy of letter from Clare County Council dated the 22nd of April 2026 to Sheehan & Co. Solicitors enclosing the Notice under Section 15 of the Act of the intention to acquire the site compulsorily.
- Copy of letter from Clare County Council dated the 23rd of April 2026 to the owner enclosing the Notice under Section 15 of the Act.
- Copy of letter from Sheehan & Co. Solicitors dated the 23rd of April 2026 noting that the subject notice is being sent to the subject office at the request of the owner. The letter requested an accompanying map and a response to the map would be formulated.
- By return email of the 23rd of April 2026, Clare County Council sent the requested map.
- Copy of Notice under Section 15 of the Act dated the 24th of April 2026.
- Copy of objection made by Sheehan & Co. Solicitors on behalf of the owner, received by Clare County Council on the 22nd of May 2026.

Report entitled 'Clare County Council Reference No. DS 10-01 KTC Derelict Former Inis Cathaigh Hotel and surrounding site at Francis Street, Kilrush, Co. Clare. 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 2010 with the file opened in 2014 under the remit of Kilrush Town Council. (*I am unclear if this date is a typographical error as the site was entered onto the Derelict Site Register on the 21st March 2011*)

- The site is located within the heart of the heritage town of Kilrush.
- Frances Street is located within a designated Architectural Conservation Area.
- Frances Street leads to the marina which is a well trafficked route along the Wild Atlantic Way.
- The site is designated as an Opportunity Site in the West Clare Municipal District Plan within the Clare County Development Plan 2023-2029 and provides an opportunity for a full redevelopment.

- The report sets out a detailed schedule of the engagement between Clare County Council and the owner over a period between 2010 and 2026.
- The objection to the CPO was received by Clare County Council on the 21st of May 2026 by email and on the 22nd of May 2026 by post. The objection was acknowledged by Clare County Council, and it was advised that the objection would be referred to An Coimisiún Pleanála for determination.
- The grounds of objection by the owner include;
    - The owner is engaged in a process of obtaining detailed legal, planning and professional advice arising from the matters which are the subject of the notice. Active enquiries and consultations are presently ongoing concerning potential remedial / refurbishment / improvement works at the property together with broader proposals, obviating the need for any acquisition process.
    - The owner is considering substantive and procedural grounds of objection but not limited to the characterisation of the property as being derelict within the meaning of the applicable legislation, the proportionately and necessity of the measures proposed, the adequacy of the process to date and such further matters as may arise upon completion of the owner's investigations and review of documentation.
    - Reference to noted discrepancy arising between the date of the Councils covering correspondence and the date borne by the enclosed notice. Having regard to the service and computation of time, the owners reserve their position to the validity of the notice.
- The relevant policy from the County Development Plan is set out.
- The relevant national policy and legislation 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 in the Architectural Conservation Area.
- The effects of the proposed compulsory acquisition on the rights of the affected landowner 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 have not resulted in the owner taking responsibility for rendering the property non-derelict or disposing of the property.
- Clare County Council requests that An Coimisiún Pleanála confirm the compulsory acquisition of this derelict site for the following reasons;
    - The property is derelict as defined by the Act and has been on the Derelict Sites Register since 2014. Although there has been much communication and correspondence between the Council and the owner, no effort has been taken by the owner to render the property non-derelict despite many notices been served and the imposition of the derelict site levy.
    - No proposals or timeframes have been included within the letter of objection to render the property non-derelict.

4.4. Objectors Submission

On the 3rd of July 2026 (date stamp) An Coimisiún Pleanála received a submission from Liam Madden, Vitruvius Hibernicus, agent on behalf of the owner.

The submission can be summarised as follows;

- The building has been vacant and unoccupied for many years. These reasons alone are not a reason to have the premises entered onto the Derelict Sites Register.
- The premises is located within an Architectural Conservation Area, the Council have required that certain works be executed to a standard equivalent to that required on a Protected Structure.
- The owner could avail of an Article 10(6) Notification served on the Planning Authority to the effect that 9 residences could be provided within the premises

without the necessity of seeking planning permission, i.e. Exempted Development.

However, the exempted development change of use is subject to condition/limitation in Article 19(6)(d)(10)(II) which applies only to 'works' related to the change of use. The change of use simpliciter maybe effected without any works, if necessary.

- The Planning Authority's interpretation to the agent on behalf of the owner is that the works, as distinct from the mere change of use require planning permission as though the premises were a Protected Structure with its attendant grounds.
- Based on the Planning Authority's interpretation, the owner has advanced inquiries with his appointed designers with designs being imminent.
- It is contended in the opinion of the agent on behalf of the owner that planning permission is not required for the works related to the exempted Article 10(6) change of use.
- The works related to the change of use are the works required by the Council in the Derelict Site Notification.
- Questions why the owner would take on the task and cost of appointing designers to design remedial works in the teeth of this Compulsory Acquisition notice.
- Correspondence attached from the owner to the Council confirming that the very works required by the Council would be undertaken. This letter is dated the 16th of June 2024. Before the owners appointed designers had completed the Conservation Assessments / Studies / Designs the Council reacted and therefore frustrated the owner's best endeavours.
- Contends that the Council has reacted with undue and injudicious haste.
- If permission is legally required, the application process – subject to appeal and potentially judicial review could take years.
- The Councils actions are wholly unreasonable, contrary to plain reason and common sense.

- Requests that An Coimisiún Pleanála dismiss the compulsory acquisition.
- The Council has less dramatic remedies under the Act.

I note that the submission also refers to Planning Authority's (in general) requiring the submission of plans in relation to Article 10(6) Exempted Development and the use of application forms which are not in compliance with the Notification Forms of S.I. 75 of 2022.

The submission requests for An Coimisiún Pleanála to investigate the websites of many Planning Authority's which require permission to be sought for exempted development. I note that such request is outside the scope of this assessment.

4.5. Oral Hearing

No request has been received for an Oral Hearing.

5.0 **Planning History**

A search of the Local Authority planning register website on the 12th of October 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 Kilrush which is designated as a 'Service Town' within the Settlement Hierarchy of County Clare.

The site is zoned 'Mixed Use', the objective of which 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 within 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.

The compact growth concept requires the provision of higher densities and mixed-use developments in urban settlements, to ensure a more efficient use of scarce lands and to optimise public investment in infrastructure. 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.

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.

Section 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.

Section 17.1 Strategic Aims

- To achieve the beneficial reuse of vacant, derelict or under-utilised sites, particularly the identified Opportunity 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

Kilrush is one of only fifteen designated Heritage Towns in Ireland. The town centre is focused on the Market Square, with all routes radiating from this point. Part of the town centre was designed by John Ormsby Vandeleur. The sense of place in that part of the town is very strong and provides a textbook example of how memorable public spaces are created. The nucleus of the town, Market Square, connects to the harbour area by the powerful axis of Frances Street.

While there are some vacant and derelict buildings in the town, the fabric of the town centre, as influenced by the Vandeleur family, is still mainly intact with very little modern development.

Place Making and Regeneration

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 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.

Kilrush Service Town

- To support and facilitate the development of the Kilrush harbour area and marina which further complements the economic, tourism and heritage features of Kilrush. To safeguard the 'heritage town' character of the town centre by permitting development that respects the existing built heritage and encourages regeneration through appropriate renovation and redevelopment of vacant and derelict buildings, and the continued protection of shop fronts intrinsic to the character of the streetscape.

Technical Guidance for Specific Sites in Kilrush and Cappa

Opportunity Sites

Several opportunity sites have been identified in Kilrush and Cappa and the Council policies and land-use guidance will proactively assist in their development. Pre-application technical advice and assistance will be provided for applicants on these sites.

OP8 Inis Cathaigh (the subject site)

The importance of establishing a new use for this key site on Frances Street is acknowledged by the Council. The zoning allows for a range of uses including hospitality, evening/night-time uses, and office space. The Council will actively encourage the redevelopment of this site for uses associated with the town centre. The Council will encourage access to the rear of the building to improve access t the site and the viability of the site for redevelopment.

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 Frances Street to the southeast.

The property was vacant with a significantly neglected appearance from the public road.

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

On the front elevation, addressing Frances Street,

- There are holes in the roof with the rafters exposed.
- Missing ridge caps.
- There are no fascia, gutters or downpipes.
- Missing pediment above ground floor window ope.
- All windows have been boarded up.
- The windows at ground floor have been boarded up with painted timber which is now in a state of significant disrepair.
- Windows above ground floor level has been boarded up with metal sheeting.
- The sheeting is missing from one window at first floor level with the interior shutter exposed.

- The sheeting is missing from one window at second floor level, and the sheeting appears to be resting at the interior windowsill. The sheeting is partially missing from another window at this level.
- There is vegetation between the bargeboard and the roof slope.
- The paintwork is peeling and in need of repair.
- There is evidence of cracks across the elevation.
- There is deterioration at the base of the building and the public footpath.

On the side elevation, southwest elevation, addressing the Supervalu Building;

- Significant vegetation growth on the elevations, windowsills, pediments.
- Disconnected pipework.
- Evidence of cracks.
- Paintwork is discoloured, stained and in need of repair.
- The mismatched westerly pier for the temporary gate is rusted and in need of repair.
- While not immediately visible to the street, the whole area behind the gate is completely overgrown.

At time of site visit, I noted the presence of a 'For Sale' sign attached to the front elevation.

The site has a highly prominent location within Frances Street, one of the core streets within Kilrush and is also on a heavily trafficked route within the Wild Atlantic Way. Kilrush is a designated Heritage Town, and site is located within an Architectural Conservation Area. The adjoining buildings appeared to in good condition with the immediately adjoining building to the northeast having recently been refurbished.

7.2. Category of Dereliction

7.2.1. Within the Derelict Site Report, I note the Local Authority did not specify the category of dereliction. I refer to the report of the Clare County Council dated the 10th of April 2026 in which the property was considered to be derelict in accordance with

3(a)

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

3(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

- In relation to Section 3(a), having regard to the noted condition of the property with holes in the roof and exposed rafters, missing ridge caps, no rainwater goods, all windows are missing, are for the most part boarded up with boarding missing, loose sheeting at second floor level, vegetation growth, paintwork in need of repair and cracks to the elevations together with potential unknown fire damage, 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), having regard to the condition of the roof, the front and west elevation of the property, 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 immediately visible presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit of collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

Based on my site visit I consider that the property detracts to a material degree from the amenity, character or appearance of land in the neighbourhood of the land and is 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 August 2010. I also note from documents included on the file that correspondence from Clare County Council with the owner also occurred in June 2002 in relation to this site.

7.3.2. The site was identified as being derelict August 2010. A Section 8(2) notice was served upon the owner on the 3rd of September 2010. I note the post which contained this noticed was not collected from the Post Office by the owner. Clare County Council reissued the notice on the 18th of October 2010 to the owner.

7.3.3. On the 1st of November 2010 Clare County Council by letter advised the owner of the works which were required to be undertaken in relation to the property. The letter requested that the owner advise the local authority of the intention to carry out the works within 14 days of receipt of the letter.

7.3.4. On the 21st of March 2011, Clare County Council served a Section 8(7) Notice and a Section 11 Notice under the Derelict Sites Act 1990 upon the owner.

7.3.5. The Council was advised by letter dated the 11th of April 2011, that the owner was travelling abroad and that O'Kelly Moylan Solicitors would be acting on their behalf to make representations in relation to the works and time schedule. By letter dated the 19th of April 2011, Clare County Council provided all correspondence to the solicitors.

7.3.6. By letter dated the 11th of May 2011 Clare County Council sought a response to the Section 11 Notice.

7.3.7. Following site visit by the Council on the 16th of November 2011 and report dated the 25th of November 2011, it was noted that some works (not specified) had taken place however the building remained in a derelict condition.

7.3.8. By letter dated the 17th of January 2012, Clare County Council to the agent acting on behalf of the owner noted that no response had been received in respect of the correspondence sent on the 19th of April and the 11th of May. The letter requested that the agent or the owner make contact with the Council before the 31st of January 2012 otherwise it would be the intention of the Council to charge the annual levy after this date.

7.3.9. In March 2012, the agent was advised that the site would be inspected by the planning officer and further correspondence would issue.

7.3.10. By letter dated the 6th of March 2014, Clare County Council requested that the windows on the western elevation be repaired within 14 days from the date of the letter. No response was received to this letter and by subsequent letter dated the 7th of May 2014, Clare County Council required that the windows on the western elevation be repaired within 7 days from the date of the letter. The letter advised that failure to undertake such works may result in legal action being taken pursuant to the Derelict Sites Act 1990.

7.3.11. The report of the Council dated June 2014 stated that as the owner had failed to engage with the Council it was recommended that a market valuation be sought for the site and that the owner be levied 3% of the market value. This was undertaken in July 2014.

7.3.12. A report dated the 13th of April 2017 recommended that a Section 11 Notice be served and a current market valuation be sought. (*I note that there is no copy of this Section 11 Notice on the file).*

7.3.13. Clare County Council by letter dated the 11th of February 2022 referred to the engagement over the course of several years in respect of the subject property. The letter requested to understand what proposals, if any the owner had for the site. The owner was offered an opportunity to engage with the Council regarding proposals that would render the site non-derelict and that this would be considered prior to making a decision on issuing any notices under the Derelict Sites Act 1990, as amended.

7.3.14. Further correspondence from Clare County Council dated the 28th of June 2022 advised that based on the valuation provided by the owner (€1,350,000 - €1,500,000, the Council would be issuing the levy based on 7% of the valuation of the property. The owner was once again asked to submit proposals for the site and also advised that it might be a good time to put the property on the market.

7.3.15. Following updated correspondence in March 2024, Clare County Council by letter dated the 28th of March 2024, advised Liam Madden who was then retained to act on behalf of the owner of the works required to bring the property out of dereliction. The Council also provided to Mr. Madden, copies of the notices issued to the owner. The letter noted that no recent Section 11 Notice had been served upon the owner as the site was for sale.

7.3.16. Clare County Council served an updated Section 11 Notice upon the owner of the site on the 8th of July 2024. This notice was also issued to Liam Madden. The letter advised of potential for prosecution for non-compliance with the notice.

7.3.17. Following site visit on the 22nd of October 2024 and the noted non-compliance with the updated Section 11 Notice, Clare County Council recommended that a notice under Section 22 of the Derelict Sites Act 1990, be served upon the owner with a stated valuation of €275,000.

7.3.18. In April 2026, Clare County Council undertook a site visit and concluded that the building was in a deteriorated state and recommended that the necessary steps be taken for a compulsory purchase order.

7.3.19. Notices under Section 15 of the Derelict Sites Act 1990, as amended were issued to the reputed owners and published in the Clare Champion on the 24th of April 2026. (I have addressed the issues raised in relation to the date of the notice and the date of the accompanying correspondence at Section 4.1)

7.3.20. 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”.

7.3.21. 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.

7.3.22. As outlined in the report of the Local Authority, Clare County Council have demonstrated consistent engagement with the owners since 2010 in addition to noted correspondence in 2002, in relation to the objectionable state of the property with the property being placed on the Derelict Site Register since the 21st of March 2011.

7.3.23. It is evident that Clare County Council have consistently attempted to address the issue of contended dereliction of the property. I note that as part of written correspondence with the owners, the Council offered several opportunities for the owner to set out intentions for the development of the site and associated timelines for completion and the suggestion of selling the property. I also note that the correspondence from the Council also advised the owner of the potential for the commencement of legal proceedings if the notices were not adhered to.

7.3.24. The Derelict Site Report of the Planning Authority notes that the subject site is located within an Architectural Conservation Area and is specifically identified as an Opportunity Site which has access to the rear. The property would be suitable for several potential uses. The report of the Local Authority dated the 24th of April 2026 states that following acquisition the Council would dispose of the property or seek to have it developed. 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.

7.3.25. I consider that the need and interest of the common good would be met by the proposed acquisition of the subject property. By virtue of the time period and engagement of the Local Authority, I consider that the proposed compulsory acquisition of the subject property would be proportionate to the end to be achieved.

7.3.26. 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 9.14, CDP17.1 and CDP 17.10 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 August 2010, save for minor works undertaken the property, such as installation of window sheeting, fences, earlier painting and vegetation removal from the attendant grounds which has now regrown, the property which has been the subject of fire has remained vacant and unoccupied for approximately 15 years since it came to the attention of Clare County Council. Having regard to the noted correspondence on the file since 2002, this would suggest a longer period of dereliction. The result is the building has been in an objectionable state for a prolonged period of time.

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 deteriorated state at the time of application.

7.5.2. Having reviewed the contents of the submission from Clare County Council, it is apparent that the Local Authority have engaged with the owners over a combined period of 16 years. I also refer to correspondence on the file in relation to the subject site which dates from 2002 which would also suggest that the property has been a concern for the local authority for 24 years. The correspondence from 2002 required that the ground floor windows be boarded up, which also indicates that the property has been in a state of deterioration for a significant period of time.

7.5.3. Following the issuance of the Section 8(2), Section 8(7) and Section 11 Notices, O'Kelly Moylan Solicitors were retained by the owner as he was travelling abroad. By

letter dated 11th April 2011 O'Kelly Moylan Solicitors requested the notices from Clare County Council to arrange representations in relation to the works and time schedule.

7.5.4. In response to correspondence from Clare County Council in January 2012, O'Kelly Moylan Solicitors advised that endeavours were being made to contact the owner as he was abroad but confirmed that the property had been put on the market and was for sale.

7.5.5. Following inspection in February 2014, it was noted that the external elevation had been painted, was boarded at ground floor level with a fence installed so that dereliction to the rear was not visible from Frances Street. Repair of the windows on the western elevation had not been undertaken.

7.5.6. In February 2022, the owner contacted the Council asking if the Council would acquire the property. The option was extended to the owner to submit a Valuation Report.

7.5.7. On the 3rd and 6th of May 2022, the owner submitted a valuation report with a value of €1,350,000 -€1,500,000 based on 30 residential units to be constructed. Later in May 2022, the owner contacted the Council in relation to the Council acquiring the property.

7.5.8. On the 22nd of September 2022, the owner contacted the Council to advise that the property was for sale.

7.5.9. On the 1st of December 2023, the owner contacted the Council to state that there was someone interested in the property but was having difficulty in obtaining pre-planning.

7.5.10. In January 2023, in response to concerns raised by a member of the public, the owner arranged to have the gates to the rear of the site repaired.

7.5.11. In February 2024, the owner contacted the Council to state that there was someone interested in the property, but they were not satisfied with the pre-planning response and were not prepared to acquire it 'subject to planning'.

7.5.12. I note that in March 2024, the owner engaged the services of a new agent, Liam Madden and by letter dated the 25th of March 2024 requested the reasons as to why the property was contended to be derelict and the measures that are required to have the property removed from the Derelict Sites Register. The Council provided a response to this request.

7.5.13. Correspondence dated the 7th of June 2024 to Clare County Council notes that the owner is anxious to have the property removed from the Derelict Sites Register but raised concerns regarding the absence of a current Section 11 Notice and did not wish to rely on correspondence of the Council dated the 28th of March 2024.

7.5.14. On the 5th of July 2024, the owner contacted Clare County Council to state that he had engaged a new auctioneer and would be getting a BER Cert carried out. He also requested if Clare County Council would buy the Derelict Site.

7.5.15. In response to the earlier request of the agent on behalf of the owner Clare County Council subsequently served an updated Section 11 Notice on the owner on the 8th of July 2024, setting out a suite of measures to be undertaken in relation to the property in addition to offering an opportunity for the owner to make representations to the Council to consider.

7.5.16. By letter dated the 16th of June 2024 prepared by Liam Madden (I note that the month appears to be a typographical error and potentially should read as being 16th July 2024) the agent on behalf of the owner set out a response to the 6 measures set out in Schedule 2 of DS 10-01 which related to the windows, vegetation, roof, elevations, waste and rodent control. On foot of this Section 11 Notice, Clare County Council requested timelines for works to be undertaken, which were not provided.

7.5.17. On the 31st of July 2024, the owner contacted the Council to state that he had been away. It was stated that he would be carrying out the works and had already started on clearing the ivy.

7.5.18. Subsequently, the owner advised the Council on the 10th of September 2024 that an auctioneer was ready to put the property for sale, live on the Daft website. The Council

noted that while a For Sale sign was on the property on the 22nd of October 2024, the property was not live on the Daft website. At the time of this site inspection, it was noted that while some works were done to remove the ivy and overgrowth, none of the other requirements of the Section 11 Notice had been commenced.

7.5.19. In November 2024, the owner contacted the Council regarding the Section 22 Notice advising that the site was for sale. It was explained to the owner that while the property remained in a derelict condition, the Derelict Sites Levy would be payable.

7.5.20. In February 2025, the property was advertised For Sale on Daft and the auctioneer confirmed that clearance works had been undertaken to allow safe access to the rear of the site.

7.5.21. From the schedule of history of the site within the Derelict Site Report and the documentation on file, it is not evident that further engagement took place with the owner and Clare County Council in respect of the status of the building, commencement of works and/or the selling process since February 2025.

7.5.22. Following site visit by the Council in April 2026, it was noted that the building remains derelict.

7.5.23. The objection to the Compulsory Acquisition submits that the owner is undertaking investigations into legal, planning and professional advice arising from the matters subject of this notice. The objection requests that the Council refrain from taking any further step in the acquisition process. It is also set out that active enquiries and consultations are presently ongoing concerning the potential remedial, refurbishment and improvement works at the property together with broader proposals directed towards addressing the matters identified by the Council and obviating the necessity for any acquisition process. No details of these active enquiries and consultations have been provided in support of the objection that would adequately demonstrate that the necessity of the compulsory acquisition would not be required.

7.5.24. The objection raised concerns in respect of the validity of the notice served under Section 15 1(b), I have addressed this issue under Section 4.1.

7.5.25. On the 3rd of July 2026 An Coimisiun Pleanala received a submission from Liam Madden on behalf of the owner.

7.5.26. I note the concerns raised in relation to Exempted Development which I submit is outside the scope of this assessment. However, I also note that where doubt arises as to whether permission for development would be required or not, this can be ascertained via a Section 5 Declaration Application made directly to the Planning Authority. There is no evidence of such declaration being sought by the owner. It is unclear if it is the intention of the owner to propose residential units in this manner.

7.5.27. The submission also states that the owner has advanced enquiries with appointed designers and that designs are imminent. However, the same submission also questions why the owner would take on the task and cost of appointing designers to design remedial works in the face of a notice to compulsorily acquire the property. It is therefore unclear as to the status of the earlier stated imminent designs or what the exact intention for development on the site would be.

7.5.28. The submission refers to their correspondence with the Local Authority on the 16th of June 2024 (I have noted above that the date maybe a typographical error and should read as the 16th of July 2024) in which the owner set out confirmation that the works required by the Council would be undertaken however it is contended that the Council acted with undue haste which frustrated the endeavours of the owner. I acknowledge the concerns raised within the submission however I note that the letter on the owners behalf dated the 16th of June 2024 while generally addressing each of the 6 measures set out in Schedule 2 of DS10-01 did not set out a comprehensive time frame for the commencement and undertaking of the works or a reasonable completion of same. I also submit that the Section 11 Notice which was issued on the 8th of July 2024 required that such works be undertaken within twelve months. Following site visit by the Council in April 2026, it was noted that the works set out in the Section 11 Notice were not carried out and the building remains derelict.

7.5.29. Concern remains as to characterisation of the property as being derelict. I note the contention of the agent within the submission to An Coimisiún Pleanála that a structure being vacant and unoccupied taken by itself is not a reason to have the premises

entered onto the Derelict Site Register. I note that the agent acting on behalf of the owner by letter dated 25th of March 2024 stated that the owner had not been provided with reasons as to why the property was considered to be derelict. The Council response dated the 28th of March 2024 included the notices which were served under Section 8(2) and Section 8(7) of the Derelict Sites Act 1990, as amended upon the owner. The notices also offered the opportunity for the owner to make representations in this regard. I am satisfied that the notices contained the reasons as to why the site was derelict which the owner was aware of, and I consider that the condition of the property cannot be contended or be considered as being merely vacant and unoccupied.

7.5.30. The derelict condition of the property came to the attention of the Local Authority in August 2011 (and earlier correspondence dated 2002) and the property has been on the Derelict Sites Register since the 21st of March 2011 (PA Ref. DS10-01).

7.5.31. I acknowledge that there has been engagement between the Council and the owner via various agents acting on their behalf, however I do not consider that there is sufficient evidence of any tangible timeline for schedule of works or any significant works that have been undertaken or that would be undertaken in the short term that would render the site non-derelict.

7.5.32. At time of writing my report, I note that the property is listed on the Daft property website as a commercial property for sale. The information associated with the advertisement indicates that the property was listed in October 2024. I acknowledge that the property is currently for sale, however the objection or submission received has not provided any information in relation to activity or interest associated with the property being for sale.

7.5.33. The property occupies a substantial site on a prominent location along Frances Street. I consider that the need and interest of the common good would be met by the proposed acquisition of the subject property.

7.5.34. From the evidence on the file, it has not been demonstrated that the owner has taken any substantive action to render the property non-derelict over the course of the years

which the property has been a concern, despite the opportunities afforded to the owner by the Council. Having regard to the actions of Clare County Council, I consider that the proposed compulsory acquisition of the property would be proportionate to the end to be achieved to ensure that the lands do not continue to be in a derelict condition.

7.5.35. Having regard to all of the information available and the derelict nature of the site, the continuing deterioration of the built fabric and the lack of supporting evidence of any definitive proposals or plans for redevelopment or refurbishment it is concluded that the property continues to constitute a derelict site. I consider that it is appropriate that the Local Authority's application for consent to compulsorily acquire the site on Frances Street, Kilrush is granted.

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 the former Inis Cathaigh Hotel, end of terrace three-storey building and surrounding site, containing 0.22 hectares or thereabouts, 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 maps, reference 2010-01-00, DS10-10KTC*,* 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 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, and specifically CDP 9.14**,** CDP17.1 and CDP 17.10which 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 site, in particular the existence on the land in question of structures which are in a derelict and dangerous condition and neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of 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**

Having regard to the existence on the land in question of structures which are in a derelict and dangerous condition and neglected, unsightly and objectionable state of the land and the structure thereon 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 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 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

12th October 2026