Inspector's Report

ACP-324394-26

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	West Street, Carrigaholt, Co.Clare
Planning Authority	Clare County Council
Notice Party	Mr. Robert Hogan.
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 two single storey derelict cottages and surrounding site, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 **Site Location and Description**

2.1. The subject site consists of a pair of semi-detached single storey dwellings which are located on the southern side of West Street, Carrigaholt, Co. Clare.

2.2. The site has a stated area of 0.1324 hectares and addresses the road with a north facing orientation.

2.3. The subject properties are setback behind the main building line of the adjoining properties. To the front of the easternmost dwelling (to the left when facing the properties), there are two benches and Sheffield bicycle parking stands. The footpath which traverses the front of the site also appears to have been recently replaced and contains two dipped kerbs.

2.4. West Street contains a variety of building types and heights including single and two storeys. There is a mix of uses including residential, restaurant, coffee shop and pub within the vicinity of the subject site.

2.5. An amenity area associated with the Wild Atlantic Way is located to the east beyond the junction of West Street and Church Street.

2.6. At time of site visit I observed the following in relation to the properties; (*For the purposes of clarity I will refer to each dwelling separately, namely Dwelling No. 1 (westernmost) being on the right-hand side when looking at the property and Dwelling No. 2 (easternmost) being on the left-hand side when looking at the property)*

Dwelling No. 1

On the front elevation

- Vegetation growth on the roof slope
- Vegetation growth on both chimneys to the right and left side.

- Cracked and loose slates on the lower roof slope
- Cracked bargeboard
- Cracks in both chimneys to the right and left side.
- Deteriorated rainwater goods.
- Front door and surround in need of replacement.
- Timber windows in need of repair/ replacement.
- There was a cracked upright concrete pipe in the front garden area.

Dwelling No. 2

On the front elevation

- Unfinished render along the left corner wall of the dwelling.
- Hole in the roof (right side of central chimney)
- Significant vegetation growth on the roof slope.
- Vegetation growth on the chimney to the centre and right side. The chimney on the left side is completely overgrown with vegetation.
- Vegetation growth along the side (east) elevation and onto barge board.
- Cracks within both chimneys to the centre and right side. (The chimney to the left side is not visible to determine the presence of any cracks)
- The roof appears to be sagging.
- Timber windows need repair/replacement.
- The front door needs replacement.
- Area to the front of the dwelling unfinished surface.
- There are timber pallets resting on the eastern boundary wall.

There are significant mature trees growing to the rear of the dwellings which are overhanging the roof slope.

From comparison of the photographs available on the file, I note that the property has been repainted since 2024 as it is now a neutral colour. At time of site visit, the paintwork to the elevations and windowsills appeared to be fresh or washed down

relative to the photographs of the Local Authority dated 8th of April 2026 and November 2025. I also note from review of photographs taken in 2021 that there was substantial vegetation growth on the roof slope of Dwelling No.1 which had been removed in 2022 however it appears to be growing back. I did not observe any other substantial works that have changed the overall appearance of the structures.

At time of site visit, I noted the presence of a 'For Sale' sign within the front garden area.

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

3.0 Application for Consent of Acquisition

3.1. Clare County Council has applied to An Coimisiún Pleanála for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act, 1990, as amended.

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

- Section 8(2) Notice of the Derelict Sites Act 1990 served on the owner on the 18th of February 2022. I also note that a Section 8(2) Notice was previously served on the owner on the 28th of June 2017.
- Section 8(7) Notice of the Derelict Sites Act 1990 served on the owner on the 29th of March 2022.
- 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 23rd of April 2026 to Mr. Robert Hogan. The notice was issued to the owner by registered and ordinary post.

4.0 Application and Objection

4.1. Notice of Intention to Acquire

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

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

The notices set out the address of the property with a stated site area of 0.1324hectares and the location where the map of the derelict site is deposited.

The site is described as 'two single storey derelict cottages and surrounding site'

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 DS17-08.

4.2. **Objection to Acquisition**

An objection to the proposed acquisition was received by Clare County Council from Robert Hogan on the 13th of May 2026 (Dated stamped).

The objection can be summarised as follows;

- Intention of the owner to renovate the properties.
- Refers to telephone conversation on 5th of May 2026 and acknowledges the receipt of the Grant Forms which were sent out.

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 20th of June 2026 and was accompanied by the following;

- Compulsory Acquisition Map (Site Location Map)
- Newspaper notice published in the Clare Champion on 24th of April 2026.
- Detailed Local Authority Report including;
    - Land Registry Folio Details

- Selection of photographs of the site taken over period of time.
- Copies of various reports of Clare County Council dated, 20th June 2017, 24th November 2021, 7th December 2022, 29th March 2022, April 2022, 6th December 2023, 3rd July 2024 and 19th of March 2026.
- Copies of notices served on the owner including Section 8(2), Section 8(7), Section 22(3) and Section 15, ranging from 28th June 2017 – 24th April 2026.
- Copies of correspondence between the Local Authority and the landowner ranging from 18th November 2021 to 23rd April 2026. In summary, the correspondence highlighted the concerns in relation to the condition of the property, noting where contact had not been possible, offering opportunities to discuss proposals with the owner, advising of potential for action under Derelict Site Act, acknowledging where works had been undertaken but setting out where more work was required, advising of grants available, issuing of copies of all notices served upon the owner and advising of decision to compulsorily acquire the site.

Report entitled 'Clare County Council Reference No. DS 17-08 West Street, Carrigaholt, Co. Clare. The report can be summarised as follows;

- Description of the location of the site.
  - Carrigaholt is described as a large fishing village on the southern side of the Loop Head Peninsula. The village is centred on two piers, one of which is operational in a commercial capacity.
  - Carrigaholt is a key gateway to the Loop Head Peninsula.
  - The subject site is located within the heart of the village.
  - The village has an attractive centre with a variety of uses.
- Details of the history of actions taken on the property as a derelict site.
  - The site was first identified as being derelict in 1998, was subject to multiple statutory notices and was subsequently removed from the Derelict Sites Register in 2007.
  - Following renewed action in 2017, concerns were raised in relation to the condition of the site, and a Section 8(2) Notice was served. There

was no meaningful progress and attempts to contact the owner were unsuccessful.
    - The properties were painted by the Tidy Towns Committee in 2022 to improve the general appearance of the area.
    - In February 2022, the site was reassessed and a Section 8(2) Notice was served on the 18th of February 2022.
    - Due to non-engagement, a Section 8(7) Notice was served on the 29th of March 2022 with the site then being added to the Derelict Sites Register.
    - Following limited engagement and partial works undertaken, a site inspection in October 2023 confirmed that the property was derelict.
    - Recommendation was made for valuation, this was eventually requested in September 2024 and received by Clare County Council in October 2024.
    - Derelict Site Levy was applied and invoiced in February 2025.
    - Due to continued non-compliance, a recommendation for compulsory acquisition was made.
    - Section 15 Notices were issued on the 24th of April 2026 and published in the Clare Champion on the same date.
- The report sets out a detailed schedule of the engagement between Clare County Council and the owner over a period between 2017 and 2026.
- There is no relevant planning history associated with the subject site.
- One of the cottages is registered within the owner's name with the other cottage remaining unregistered. There is a burden on the folio under the owner of Allied Irish Banks.
- The objection to the CPO was received by Clare County Council on the 13th of May 2026 (date stamp) The objection was acknowledged by Clare County Council by letter dated the 14th of May 2026. The owner was advised that the objection would be referred to An Coimisiún Pleanála for determination.
- The grounds of objection note were;
    - The owner intends to renovate the property.
- The report sets out the relevant Development Plan policy and national legislation and policy are 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 lands do not continue to be in a derelict condition. 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 interests of the common good.
- All alternative methods of activation under the Derelict Sites Act 1990, as amended or incentives such as the grants currently available or the disposal of the property have not been availed of by the owner.
- The correspondence between the owner and the Council is acknowledged however it has not resulted in any significant improvement of the site.
- The continuing dereliction of the property is having a significant adverse effect on the amenities and appearance of Carrigaholt.
- The proposed compulsory acquisition is consistent with the policies and objectives of the Clare County Development Plan 2023-2029 and is justified by the exigencies of the common good.
- Requests that An Coimisiún Pleanála confirm the compulsory acquisition.

4.4. Objectors Submission

No further submissions received.

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 19th 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 Carrigaholt which is designated as a Small Village in the Settlement Hierarchy of Clare.

The site is zoned 'mixed use', the objective of which seeks 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.

CDP5.2 Facilitating the Housing Needs of the Population

It is an objective of Clare County Council:

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

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

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

Section 5.2.2 Living in our Towns and Villages

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

CDP5.3 Living in our Towns and Villages

It is an objective of the development plan:

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

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

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

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

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

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

Carrigaholt is a large, picturesque fishing village situated on the southern side of the Loop Head Peninsula. It is set within an important natural environment and is centred on two piers (RPS 509 and RPS 515)…The village has a very attractive centre, displaying distinctive streetscapes and local character. It contains a traditional mix of residential uses and other services including a grocery store, take-away and seafood shop, several public houses, a post-office, health centre, national school, the Dolphin watch information centre and a small carparking and amenity area overlooking Carrigaholt Bay.

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 properties 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 West Street to the north of the properties.

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

7.2. My observations of the properties at time of site visit include, (*For the purposes of clarity I will refer to each dwelling separately, namely Dwelling No. 1 (westernmost) being on the right-hand side when looking at the property and Dwelling No. 2 (easternmost) being on the left-hand side when looking at the property)*

Dwelling No. 1

On the front elevation

- Vegetation growth on the roof slope
- Vegetation growth on both chimneys to the right and left side.
- Cracked and loose slates on the lower roof slope
- Cracked bargeboard
- Cracks in both chimneys to right and left side.
- Deteriorated rainwater goods.
- Front door and surround in need of replacement.
- Timber windows in need of repair/ replacement.
- There was a cracked concrete pipe in the front garden area.

Dwelling No. 2

On the front elevation

- Unfinished render along the left corner wall of the dwelling.
- Hole in the roof (right side of central chimney)
- Significant vegetation growth on the roof slope.
- Vegetation growth on the chimney to the centre and right side. The chimney on the left side is completely overgrown with vegetation.
- Vegetation growth along the side (east) elevation and onto barge board.
- Cracks in both chimneys to the centre and right side. (The chimney to the left side is not visible to determine the presence of any cracks)
- The roof appears to be sagging.
- Timber windows need repair/replacement.
- The front door needs replacement.
- Area to the front of the dwelling unfinished surface.
- There were timber pallets resting on the eastern boundary wall.

There are significant mature trees growing to the rear of the properties which are overhanging the roof slope.

At time of site visit, I noted the presence of a 'For Sale' sign within the front garden area.

7.2.1. The subject site is located within an ACA. I note that the surrounding buildings are maintained to a good standard. The properties single-storey semi-detached typology with set-back building line make them a character feature within the streetscape and thus in my opinion a visually prominent site along West Street. Carrigaholt is located at the gateway to the Loop Head Peninsula and is also within the Wild Atlantic Way.

7.3. Category of Dereliction

7.3.1. Within the Derelict Site Report accompanying the application, I note the Local Authority did not specify the category of dereliction. I refer to the report of the Clare

County Council dated the 6th of December 2023 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,*

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

7.3.3. 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 properties with sagging roof and hole within, cracked and loose slates, cracked chimneys, cracked bargeboards, deteriorated rainwater goods, windows and doors in need of replacement, unfinished / exposed render and unkempt external area to the front, 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 overall condition of the front elevations of the properties, I submit that the properties have 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 were timber pallets lying up against the eastern boundary wall and a cracked concrete pipe however there was no presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit of collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

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

7.4. Action of Local Authority

7.4.1. The Compulsory Acquisition Report of the Local Authority submitted with the application sets out the subject properties have been the subject of sustained dereliction action since 1998.

7.4.2. I note that the properties had been removed from the Derelict Sites Register in 2007 following works which were considered to render the property non-derelict.

7.4.3. The site was reinvestigated in 2017 with a Section 8(2) Notice issued to the owner on the 28th of June 2017. A file review in November 2021 indicated no meaningful progress and attempts to contact the owner were unsuccessful. The Local Authority issued a letter to the owner on the 24th of November 2021 noting the concerns in relation to the property, the desire to discuss proposals and noted the constraints in making contact.

7.4.4. Following complaints made to the Council, the site was revisited in February 2022. A Section 8(2) Notice was issued to the owner on the 18th of February 2022. As no works had been carried out on foot of this notice, a Section 8(7) notice was subsequently served upon the owner on the 29th of March 2022. I note that the copy sent by registered post was returned as being marked 'refused'. The copy was also sent by ordinary post.

7.4.5. Clare County Council acknowledged the email correspondence of the owner dated the 8th of April 2022 which indicated that works were being undertaken. The Local Authority however submitted that more works were required to render the property non-derelict.

7.4.6. The site was inspected on the 26th of October 2023, and it was observed that the paintwork was peeling and the roofs were starting to sag and were covered in vegetation and as a result would require extensive works to render them habitable. It was recommended by report dated 24th January 2024 and further report dated 3rd of July 2024 that the properties be valued for the purposes of Section 22(3) of the Derelict Sites Act, with the valuation undertaken in October 2024 and the relevant notice issued

by ordinary and registered post. (Note written on copy of Section 22(3) Notice stating 'Delivered 28/10)

7.4.7. Prior to the issuance of the Section 22(3) Notice, I note that Clare County Council were unable to contact the owner via telephone and sought to make contact by email. The email dated 22nd January 2024 advised of the findings of the site inspection by the Council and that the Council would be entitled to charge an annual Derelict Sites Levy until the properties were rendered non-derelict. The email also advised of Vacant Property Refurbishment Grant available and requested that the owner make contact with the Council to discuss.

7.4.8. Upon request by the owner, Clare County Council sent out details of the available grants on the 1st of February 2024**.**

Again, on request of the owner, Clare County Council on the 28th of July 2025 sent out an up-to-date letter with the current position of the property and details of notices that have been issued thus far. This information was sent to the owner by post and included all notices. This letter also requested that the vegetation be cleared from the roof and that all tree branches be cut back.

7.4.9. Following site visit by the Council on the 6th of November 2025, it was noted that only minimal aesthetic works had been undertaken over the years and that the properties are derelict, neglected and unsightly. The report recommended that the properties should be compulsorily acquired under Section 14 of the Derelict Sites Act 1990 as amended. Following acquisition, the Council would dispose of the properties or assess if it would be suitable for social housing or other local authority uses. Any disposal would be subject to the approval of the Elected Members, and the purchaser would be given a specific time period to render the property non-derelict.

7.4.10. Notices under Section 15 of the Derelict Sites Act 1990, as amended dated 24th of April 2026 were sent to the owner on the 23rd of April 2026 and published in the Clare Champion on the 24th of April 2026.

7.4.11. 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”.

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

7.4.13. As outlined in the report of the Local Authority, Clare County Council have demonstrated consistent engagement with the owners since 2022 in addition to noted earlier correspondence between 1998-2007 and then again in 2017, in relation to the objectionable state of the property with the property being placed on the Derelict Site Register since the 29th of March 2022. The properties have been a consistent concern for the Local Authority.

7.4.14. It is evident that Clare County Council have consistently attempted to address the issue of contended dereliction of the properties. I am satisfied that the Council sought an alternative means of contacting the owner when contact by telephone could not be made (letter and email) and provided the owner with copies of all notices as requested. I note that as part of correspondence with the owner, the Council offered opportunities for the owner to set out intentions for the development of the site and the likely timeframes for completion in addition to the grants available. I also note that the correspondence from the Council advised the owner of the potential for the commencement of further action under the Derelict Sites Act 1990, as amended, up to and including the compulsory acquisition, if the notices were not adhered to.

7.4.15. I consider that the need and interest of the common good would be met by the proposed acquisition of the subject properties. I consider that the proposed compulsory acquisition of the subject properties would be proportionate to the end to be achieved.

7.4.16. 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.

7.5. Compliance with the Development Plan

7.5.1. I note that the Clare County Development Plan 2023-2029, specifically Objectives CDP 5.2, CDP5.3 CDP 9.14, CDP17.1 and CDP 17.10 seek to address instances of dereliction and the reuse and regeneration of derelict and vacant sites.

7.5.2. Notwithstanding the previous entry onto the Derelict Sites Register, the property was identified as being in a derelict state in February 2022 and placed on the Derelict Sites Register in March 2022. Save for minor aesthetic works previously undertaken the properties remain in an objectionable state and have been for a significant period of time.

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

7.6. Action of the Owner to Address Dereliction

7.6.1. 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.

7.6.2. Having reviewed the contents of the submission from Clare County Council, it is apparent that the Local Authority have engaged with the owner over a substantial period of time of approximately 22 years since the registration of the property in the owner's name in 2004.

7.6.3. The derelict condition of the property was a concern for the Local Authority between 1997-2007 and following inspections in 2007, the site was deemed not to be derelict and was subsequently removed from the derelict site register.

7.6.4. The site once again came to the attention of the Local Authority in 2017, however following a file review in 2021 it was noted there was no meaningful attempts to address the condition of the property and attempts to contact the owner were unsuccessful.

7.6.5. Clare County Council issued the most recent Section 8(2) Notice to the owner on the 18th of February 2022 and it is noted that no submission was received afterwards. Following the issuance of the Section 8(7) Notice, the property has been on the Derelict Sites Register since the 29th of March 2022 (PA Ref. DS17-08).

7.6.6. While not referred to in the formal objection by the owner, I note from correspondence on the file that it is stated there has been litigation with financial institutions. No further details have been submitted in this regard, from the owner or any financial institution.

7.6.7. I also note from the report of the Planning Authority that one of the sites is registered within the owner's name and one site is unregistered. I submit that there has been no dispute to ownership.

7.6.8. I do acknowledge that the Section 8(7) Notice dated 29th March 2022 correspondence sent by registered post to the owner was returned as refused. However, following the issuance of the Section 8(7) Notice, the owner submitted photographic evidence on the 8th of April 2022 to Clare County Council demonstrating painting works being undertaken at the subject site. The Local Authority acknowledged the works but submitted more works would be required to render the property non-derelict.

7.6.9. In response to email correspondence by Clare County Council in January 2024, the owner on the 31st January 2024 set out that he comes up to the site during the summer and that he did not wish to get involved in the rental of the properties. The owner requested details of the grants that might be available to him. The details of which were sent to the owner on the 1st of February 2024.

7.6.10. Information on the file from correspondence dated September 2024, indicated that the owner intended to live in the cottage on the right and had requested a couple of weeks before any further action be taken. Clare County Council submit this time was facilitated to the owner.

7.6.11. The Section 22(3) Notice was served in October 2024 and the owner contacted Clare County Council and advised that he had undertaken works to the roof and some painting. I note no precise details are available as to the works which have been

undertaken to the roof. As noted above, at time of my site visit, the roof of the eastern property was in a poor state of repair with a hole in the tiles and was sagging, and the roof of the western property had loose slates.

7.6.12. In correspondence records dated July 2025, the owner disputed the derelict status of the properties and noted that the property had been painted and some windows upgraded. The owner contended that he did not receive any communication before this from the Council. In response to these concerns, Clare County Council sent copies of all notices issued to the owner. These were sent to the owner's normal place of residence and to the subject site on the 28th of July 2025.

7.6.13. I note the telephone correspondence dated the 5th of May 2026 in response to the Section 15 Notice whereby the owner set out his disappointment and surprise and that this was the first official letter he had received. The owner advised that the site was in litigation with financial institutions and that he had a workshop there. The forms for the grants available were sent again to the owner on the 6th of May 2026. I note that from earlier correspondence the owner previously alleged to have not received communication and I refer the Commission to the letter of Clare County Council dated 28th of July 2025 which included copies all notices served upon the owner.

7.6.14. The formal objection by the owner received by Clare County Council sets out that it is his intention to renovate the properties. Notwithstanding the stated intention of the owner, I note that no comprehensive details or timelines have been provided to substantiate the proposal to renovate the property. While I acknowledge the painting undertaken to the front elevations together with the previous removal of vegetation from the roof of Dwelling No. 1 (in 2022) which is now beginning to grow back, I am not satisfied that the owner has demonstrated that the overall dereliction would be addressed in a reasonable and timely manner.

7.6.15. Therefore, having regard to all the information on the file, it is my view that the owner has not taken all reasonable steps to ensure that the properties do not continue to be a derelict site.

7.6.16. During my site visit, I observed that there was a for sale sign outside of the property. At time of writing my report, I note that the listing for the subject site was not visible on the advertised auctioneer's website.

7.6.17. 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.

7.6.18. On the basis of all of the information available and the derelict nature of the site, the continuing deterioration of the built fabric and the lack of any definitive proposals or plans for redevelopment or refurbishment it is concluded that the property continues to constitute a derelict site. I recommend a grant of consent.

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 two single storey derelict cottages and surrounding site, containing 0.1324 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 2017-08-01, DS17-08, 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 5.2, CDP5.3 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

19th of October 2026