

Clare County Council Reference No. DS24-09 (a)

No 8 Willow House - Two bedroomed apartment in block of 12 apartments at Willow House, Drumgeely, Shannon, Co. Clare





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List of Appendices

- A. Maps showing the location of apartment block and extent of the Derelict Site
- B. Extract from File on this Property which was dealt with under Derelict Sites Act, 1990 from 2024 to 2025, as set out in Section 2 of the submission, including notices served, photographs and reports.
- C. Details of Title – Leasehold and Freehold
- D. Decision to CPO the property, notices served and newspaper notice published and evidence of service of notice to CPO.
- E. Objection received to CPO process and acknowledgement sent, with related correspondence from the person who is claiming ownership of the property.

1. Location of Derelict site

This apartment is located on the second floor of a derelict block of twelve apartments. These apartments were part of the initial investment in the new town of Shannon in the late 1960's and there are a number of blocks of apartments in Drumgeely which is adjacent to Shannon Airport. When originally built the apartments were of a very high standard with parquet floors and modern appliances and heating systems.

The other apartment blocks at this location in Drumgeely have been upgraded over the years and all are almost fully occupied. When they come to market as individual apartments, they are well sought after, due to the views over the Shannon Estuary and the closeness to the towns of Shannon, Ennis and Limerick, the employment hub of the Shannon Free Zone, as well as Shannon Airport, which is thriving at present. The development is located just off the M19 close to the entrance to the Shannon Free Zone and is within 2 km of Shannon Airport and Shannon Town Centre.

Willow House is located to the front of the development of all the Drumgeely apartments and consists of twelve 2 bed apartments over 4 floors and set on site of approx. 0.12 Ha. The complex has been vacant for a number of years and is in a derelict condition throughout. The apartments are serviced by main entrance door, stairwell and common corridors and each invariably have the same floor area of approx. 70 sq. metres with two different configuration types.

The aerial photograph below shows the location of the property indicated by the red point. Two maps of the Derelict Site are enclosed as Appendix A, one showing the location of the apartment block and one which is multi-storey map for apartment No. 8.



2. History of actions taken on the property as a Derelict Site

In 2024, as part of the Council's drive to deal with derelict properties in the County, this block of apartments was identified as not only vacant, but also derelict. There had been structural issues on the property with leaking roof and as a result all of the apartments were vacated over the years.

In order to address the issues, the Council researched ownership of the twelve apartments in the Land Registry and they were all held in Leasehold folios. Contact was made with the individual apartment owners, where possible, during 2024 and 2025 and these contacts are ongoing with a view to acquiring the full block, Willow House, where the owners or their representatives are contactable. It is the intention of Clare County Council to make a funding application to the Department of Housing, Local Government and Heritage to acquire and refurbish the 12 apartments to meet the needs of the local community in this time of a housing crisis.

The Freehold is held by a Management Company, now dissolved, and while this does add complexity to the matter, it does not affect the derelict status of the individual apartments. The Council is separately working to advance the complex legal issues for the overall site – this is detailed further in Section 6.

The actions taken were in relation to Apartment No 8 were as follows:

Date	Action taken
November 2024	Following investigation, it was found that Mr. Kennedy, one of the joint owners, is deceased since October 2013 and no next of kin for him was identified. Local enquiries were made as to the location of Margaret Mulvihill, the other joint owner, and these yielded no information on her whereabouts.
April 2025	A Probate search was conducted for Michael Kennedy RIP and no probate records were found.
9 th June 2025	Site inspection of Apartment No 8 was carried out to assess its condition- see report attached.
19 th June 2025	A notice under Section 8(2) of the Derelict Sites Act 1990 was served on the owners. The notice was erected on site at the front door of the apartment block as one owner is deceased and the other cannot be located. See Appendix B .
23 rd June 2025	A further site inspection of Apartment No 8 internally was carried out to assess its condition and a report was prepared.
1 st August 2025	A notice under Section 8(7) of the Derelict Sites Act 1990 was served on the owners. The notice was erected on site at the front door of the apartment block. See Appendix B . From this date the property is on the Derelict sites Register.

5. Planning History of the Site

This extract from an online history of Shannon Airport, the Development Zone and the new town of Shannon gives some perspective on the apartment blocks that were constructed including Willow House.

As the apartments pre-dated the Planning Act of 1963, there is no planning history on the apartments.

The Shannon Free Airport Development Authority was formed in January 1959 to attract foreign multinationals to the area with the lure of advance factories, tax free exemptions, grants, and cheaper labour. The tax-free development zone was sited strategically beside the airport which allowed for easy transport of goods around the world.

By April 1960, when Erskine Childers, the Minister for Transport and Power opened the first new advance factory, eight firms were already committed to taking up factories at Shannon. The Irish Times reported that “negotiations were under way with six British, five American, three Irish, one Dutch, one French and one German firm for other Shannon factories”. A cosmopolitan mixture.

And so, it was realised that to support the industrial estate local accommodation for workers and management was required. In 1960 one hundred and thirty-six flats and ten detached houses were built on Drumgeely Hill at the edge of the airport and new industrial estate close to the Shannon Estuary. These were touted as all-electric with electric heating, light, and cooking. There are a mix of three, four, and five storey blocks set in a green landscaped space.

This was followed, in the early 1960s, by the commissioning of an Outline Development Plan by Downes, Meehan & Robson in association with town planner Frederick Rogerson. Their plan proposed an overall scheme for the development of a town made up of several neighbourhoods and an area designated for a town retail centre. The long-term population projections for the town were envisaged to be in the region of 25,000 – 35,000.

There was widespread pride at the development of the new town – the ESB issued pamphlets on the culture shock of moving into an all-electrical home, companies in the construction industry placed advertisements about their products used in the flats. Ireland was arriving!



6. Title and Debt on the Property

6(a) Leasehold Folio- Apartment No. 8

Ownership of the Leasehold property has been examined by the Derelict Sites Team. A copy of the folio document for Folio CE 2222L as of November 2023 is included in Appendix C.

The registered owners of No 8 are as follows and they became registered owners in December 1996:

- MICHAEL KENNEDY (8 WILLOW HOUSE, DRUMGEELY, SHANNON, COUNTY CLARE), (RIP)
- MARGARET MULVIHILL (8 WILLOW HOUSE, DRUMGEELY, SHANNON, COUNTY CLARE)

There were no burdens on the Folio at that time. The loan that had been on it from 1996 was cancelled in April 2010.

6 (b) Freehold Folio – Willow House- Block of 12 apartments

The Freehold on the property is contained in Folio CE 21832F and is registered to Willow House Management Company Ltd, which is a dissolved Company. See map below



CE21832F

WILLOW HOUSE MANAGEMENT CO LIMITED (SAINT
MICHAEL STREET, TIPPERARY)

Copy Folio With Map

Clare County Council is making an application to the Courts on this matter as it is in the process of acquiring the block of apartments and will need to have control of the overall site in order to make a financial commitment to the complete refurbishment of the block.

As this is a multi-unit development and the Management Company is no longer in operation, any development would be subject to all other apartment owners agreeing to dispose of their leasehold interest. This is well advanced by Clare County Council at present.

6 Decision to CPO the Property under Derelict Sites Act, 1990

As one of the joint owners is deceased and no contact has been received from the other joint owner or their representatives and the overall apartment block is in a derelict site, the decision was made to commence the process of acquiring the apartment compulsorily under the Derelict Sites Act, 1990.

The recommendation to proceed with the Compulsory Purchase of the property under the Derelict Sites Act, 1990 is contained in Appendix D.

7. Notice of Intention to Acquire the derelict site under Derelict Sites Act 1990

The Notice of Intention to acquire this derelict site was published in the Clare Champion newspaper on 12th September 2025. The notice of CPO was erected on the front access door of the apartment block. A copy of the newspaper notice was available on request at the office of the planning department of Clare County Council, Áras Contae an Chláir, New Road, Ennis, County Clare. See Appendix D. The deadline for the submission of objections was set out in the notice.

A copy of the notice was sent to Ms. Nora Fitzpatrick (for her information) as she had previously communicated with the Council that she had an interest in this property. For more information on this, see Section 8.

8. Objection to Acquisition by CPO

One objection was received from Ms. Nora Fitzpatrick who is claiming to be the owner of the property by virtue of actions taken by her late husband, Anthony Fitzpatrick (RIP).

Prior to receipt of the objection to the CPO, the following sets out the engagement with Ms. Fitzpatrick, who is the registered owner of Apartment No. 7 in the block. Copies of relevant correspondence are included as Appendix E.

Date	Action taken
14/11/2024	At a meeting held by the Housing Department regarding the apartment that her late husband owned (No. 7), she stated that her late husband had purchased No. 8 from the late Mr. Kennedy but was not sure if there was a record of same.
22/7/20245	At a meeting with Ms. Fitzpatrick, she informed the Council staff present that Apartment No. 8 had been squatted in for a while but she felt it was liveable in. The man who had been living in it is recently deceased and there is an electricity connection to Apartment no 8. She was asked to submit the paperwork to indicate ownership, such as a Deed of Transfer. She did not think that there was a formal Transfer signed as Ms. Mulvihill could not be located and no one knew where she was.
20/08/2025	Ms. Fitzpatrick submitted a letter saying that her late husband, Tony Fitzpatrick has been “in occupation of the premises since March 2002”. Since then, “ they were in control of the property and have been in receipt of any rents received in relation to the property”. “Since 2002, no third party has made any claim on the property which would be prejudicial to our interest”. She further stated that “My late husband secured ownership of the property on 7th March 2002 by virtue of an agreement with Michael J. Kennedy” and she enclosed a letter signed by Mr. Kennedy dated 7th March 2002. She added that “Around this time, my late husband redeemed in full the mortgage on the property, which was held by First Active”. It is her view that “as the sole beneficiary of my late husband’s estate, it is clear that I am the beneficial owner of the property”.
26/08/2025	The Council wrote to Ms Kennedy acknowledging her letter and informing her that it did not constitute a Deed of Transfer. She was also advised that the property was on the Council’s derelict sites register.

	The Council outlined the definition of “owner” as set out in Section 15 of the Derelict sites Act 1990. She was told that if she was to object to a proposed CPO of the property, the matter would be referred to An Coimisiún Pleanála.
10/09/2025	A copy of the notice of CPO was sent to Ms. Fitzpatrick (for information), restating the definition in the Derelict sites Act 1990 regarding who can object to a proposed CPO. She was advised to seek legal advice.
22/9/2025	A meeting was held with Ms. Fitzpatrick regarding her claim of ownership, based on the history as outlined in previous correspondence. When asked, she said there was no Deed of Transfer signed as Ms. Mulvihill could not be located.
26/09/2025	Ms. Fitzpatrick left documents into Clare County Council offices which consisted of the following: • Copy of letter from John A Tobin Solicitors dated 24th August 2005 to the County Registrar in relation to the case by First Active plc against the owners of No 8 and seeking that the order for possession of the apartment be set aside. He outlined the terms of the agreement of Mr. Fitzpatrick, his client, to purchase the apartment. This letter states “Due to the particular circumstances of this apartment and given that Ms. Maggie Mulvihill is residing in the USA, we are experiencing considerable difficulty in obtaining good title”. • A document signed by John Tobin Solicitor dated 14th April 2010 regarding the Mortgage Account confirmed “having received the documents for the above security address”. • Copy of receipt from First Active plc – Mortgage repayment- dated 24th August 2005 for €17,828.90 – There is no name on this receipt to indicate who paid the money. The Account Name is Ms. M Mulvihill and Mr. M Kennedy.

The elements of the objection to the CPO made by Ms. Fitzpatrick are summarized hereunder together with the comments of Clare County Council.

- 1 **“My late husband acquired this property in 2005 and was the beneficial owner of the property until the time of his death in January 2023. During the course of his ownership, he was in undisputed occupation of the property and was the sole beneficiary of any rents and profits arising. I am the sole beneficiary of my late husband’s estate and on his death, I acquired his interest in this property and according, since 2023, I am the beneficial owner of the property and also in undisputed occupation”.**

Comment from Clare County Council

- a) The Council does not accept that her husband was in undisputed occupation of this property. They own their own house at the address on the letter of objection. No evidence of such occupation has been provided. Like the other apartments in willow house, it was vacant for many years and was subsequently squatted in by another man up to his death in November 2024.
- b) No evidence has been provided of any tenancy agreements or rents charged or collected by Ms. Fitzpatrick or her late husband.
- c) If as stated, that her late husband was the sole beneficiary of rents and profits, no evidence is provided of registration of the property with the Private Rented Tenancies Board, if such rents were billed or collected.
- d) While there is evidence through Mr. Fitzpatrick's solicitor that he paid off the loan on the property, this does not convey ownership of the property. It is the opinion of Clare County Council that someone who pays off another person's loan and has no proof of legal ownership is not a legal owner of a property.
- e) The letter from Mr. Kennedy dated 7th March 2022 is an agreement to sell the apartment at a stated price. This does not constitute a sale- it is an agreement to sell and there is no evidence that this sale was concluded by a contract and a Deed of Transfer.
- f) The definition of owner in the Derelict sites Act, 1990, for the purposes of Compulsory acquisition is set out in Section 15 of the Derelict Sites Act, 1990. The wording of the notice served sets out who can object to the CPO and the Act defines "owner" as set out hereunder. Ms. Fitzpatrick does not meet this definition and she is not entitled to dispose of the property in fee simple. Our legal advice is that Ms. Fitzpatrick has not provided proof of title.

" it means in relation to land, a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion and includes also a person who holds or is entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years."

- (a) In the time since the death of Mr. Kennedy in 2013, no application for title based on possession was made by either Mr. or Mrs. Fitzpatrick. There is no current dealing pending with Tailte Éireann on the Folio CE 2222L.

- 2 “My late husband’s or my legal interest in the property have not been recognised and the statutory notices were not served on me in accordance with the provisions of the Derelict sites Act 1990, they are therefore invalid. As you will appreciate, the Local Authority are obliged, under the provisions of the statute to put all interest parties on notice of their proposal to acquire.”**

Comment from Clare County Council

- (b) No documentary evidence of sufficient legal interest purported to be held by her late husband or herself has been provided. In the period since discussions were held with Ms. Fitzpatrick, she was made aware that in the absence of a properly executed Deed of Transfer, the Council could not consider her to be the owner of the property.
 - (c) The Council considers the notice served by erection on the property to be valid. The newspaper notice was published in accordance with the provisions of the legislation. A copy of the notice was sent to her for information as she had said she had a claim on the property.
 - (d) There is no current dealing pending with Tailte Éireann to indicate that any application has been made with regard to the title to the property.
 - (e) No evidence of payment of stamp duty on a Transfer document has been submitted.
- 3 “I wish to also point out that the documents served are an incorrect application of the provisions of the Act by reason of the fact that it is not a derelict property. As I have previously clarified, a tenant resided in the property until his death in November 2024 and all services including electricity were connected at that time.**

Comment from Clare County Council

- (a) Clare County Council has inspected the property and it is the opinion of Clare County Council that Apartment No 8 is a derelict site. This is addressed in the report of the site inspection in June 2025.
- (b) The person who occupied the apartment up to the time of his death in November 2024 was not a “tenant”, Ms. Fitzpatrick previously informed the Council that he had squatted in the apartment in terrible living

conditions. There was no tenancy registered with the Private Rented Tenancies Board.

- (c) The fact that electricity is connected to a property does not mean it is not derelict.

9. Conclusion

In the past number of years, Clare County Council has continually received complaints about derelict properties around County Clare and particularly in the tourist areas of the County. Buildings such as this greatly detract from the character of the rural countryside. Clare County Council has an objective in its County Development Plan to take measures to deal with dereliction in its towns, villages and rural areas under the legislation.

Dereliction is a key issue raised by Elected Members and Oireachtas Members through Notices of Motion and debate at Council meetings. The Council is taking action on other derelict properties in the rural areas of County Clare, which are at various stages, depending on the level of interaction with the owners and the level of works being done to render properties non-derelict.

Section 10 of the Derelict Sites Act 1990 states that it "*shall be the duty of a local authority to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to be a derelict site*". The property at Breaffa South is derelict within the definition of a 'derelict site' contained in Section 3 of the Derelict Sites Act, 1990.

At a national policy level, the Department of Housing, Heritage and Local Government has adopted a Vacant Homes Action Plan 2023 to 2026 and has set targets for local authorities with regard to the activation of vacant and derelict buildings. This is a key objective of Government, which the Council is committed to implementing. The Plans sets out the actions to be pursued in order to return as many recoverable vacant properties back to viable use as possible, increase the supply of housing available, whilst also revitalising the vibrancy of local communities. This document can be accessed on the following link:

[gov.ie - Vacant Homes Action Plan 2023-2026 \(www.gov.ie\)](https://www.gov.ie/en/publications/2023-06-26-vacant-homes-action-plan-2023-2026/)

Specifically, in relation to this property, all of the twelve apartment units and common areas (hallways and stairwells) are in a derelict condition with a significant amount of water ingress, dampness and mould on the walls particularly on the fourth floor and rear apartments. The redevelopment of the block can only be undertaken if all 12 apartments are acquired off the respective owners and the Freehold title is acquired through the Courts process from the dissolved Management Company.

In making this application to An Coimisiún Pleanála for the confirmation of a CPO order, I have considered the grounds of objection from the person who is claiming to be the owner of Apartment No 8, by virtue of her late husband paying off the loan of one of the joint owners of the property almost 20 years ago.

I request An Coimisiún Pleanála to confirm the compulsory acquisition of this derelict site for the following reasons:

- I. The property is derelict as defined by the Derelict Sites Act, 1990 and is on the Derelict Sites register.
- II. This property has been derelict for many years. Even if Ms. Fitzpatrick were to establish ownership, she has submitted no proposals to engage with the local authority in trying to find a solution to the condition of the apartment within the block of twelve apartments.
- III. No evidence of title has been submitted and Ms. Fitzpatrick does not meet the definition of “owner “ as set out in the Derelict Sites Act, 1990.

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