

APPENDIX G

5/9/25

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NOTICE OF INTENTION TO ACQUIRE DERELICT SITE COMPULSORILY UNDER THE DERELICT SITES ACT, 1990, (as amended by the Planning and Development Act, 2000)

Re: File Reference DS 03-40

Derelict Site situated at: Breaffa South, Spanish Point, County Clare

Notice is hereby given that Clare County Council (hereinafter referred to as the "Local Authority"), having offices at Aras Contae an Chláir, New Road, Ennis, County Clare, V95DXP2, in exercise of the powers conferred on them by Section 14 of the Derelict Sites Act, 1990, intend to acquire compulsorily the derelict site described hereunder, under the said Act.

A map of the said derelict site has been deposited at the Property Management Unit of Clare County Council at Aras Contae an Chláir, New Road, Ennis, County Clare, V95DXP2 and may be inspected there during office hours.

Any owner, lessee or occupier (except a tenant for a month or a period less than a month) may on or before **one month and one day from date of notice** submit to the Local Authority an objection to the proposed compulsory acquisition of the derelict site. Any such objection must be in writing stating the grounds of the objection and addressed to Property Management Unit, Clare County Council, Aras Contae an Chláir, New Road, Ennis, County Clare, V95DXP2.

The Derelict Sites Act, 1990 (as amended by the Planning and Development Act, 2000) provides that if an objection is made to the proposed compulsory acquisition of a derelict site and the objection is not withdrawn, the derelict site shall not be acquired compulsorily by the Local Authority without the consent of An Coimisiún Pleanála.

DESCRIPTION OF THE DERELICT SITE PROPOSED TO BE ACQUIRED COMPULSORILY:

Reference in Derelict Sites Register	DS 03-40
Derelict Site situated at:	Breaffa South, Spanish Point, County Clare
Area of Land	0.486 hectares
Description of Land	Detached single storey cottage and shed and surrounding site
Map Reference Number	2003-40-01

Dated this: 5th day of September 2025.

Signed: Carmel Greene, Senior Executive Officer, Property Management Unit.

CLARE CHAMPTON 5/9/25

DERELICT SITE
SITES ACT,
and Development

NOTICE OF VESTING ORDER
SECTION 17 DERELICT SITES ACT, 1990

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DERELICT SITE - RECOMMENDATION TO ACQUIRE SITE
by Compulsory Purchase Order

File Reference	DS03-40
Location	Breaffa South, Spanish Point, Co Clare
Owner/occupier	Ahakista Property Investments Limited
Date of latest site inspection	8 July 2025

SITE HISTORY

The Derelict sites file on this property was created in 2003. Since then numerous attempts have been made by the local authority to get the owner (s) to do works to render the property non-derelict.

This is detailed hereunder:

Date	Action
October 2003	First report done by CCC on the derelict property with photos and recommendation. Folio CE4880F was owned by Paul and Roseanne Cronin, Spanish Point. Co. Clare.
April 2004	Section 8(2) notice under the Derelict Sites Act 1990 served on them- it was returned as "Gone away"
July 2021	File reviewed and action recommenced. New owners were Shalimar Pub Ltd, Doolin, Co. Clare
May 2022	Planning permission (P22-233) was refused on 24 th January 2023 to a Mr. P Sexton, who stated he was the owner of the property. The proposed development was to demolish part of the existing dwelling/ storage area and to extend existing dwelling and connect to existing septic tank. This was refused for two reasons: (a) Area of special control and strong urban pressure- applicant did not meet criteria. (b) Lack of information provided on suitability of the existing septic tank – EPA code of practice referenced
September 2022	Site inspection and photos. It was noted there was a current dealing pending in the Land Registry and new owners were to be Ahakista Property Investments Ltd. It was also noted there was a financial burden on the property.
November 2022	Contact was made with solicitors for Ahakista Ltd but no reply received.
January 2023	Section 8(2) notice under the Derelict Sites Act 1990 served on Shalimar Pub Ltd- the registered post and normal post letter was returned as "Not called for".
January 2023	Planning permission (P22-233) was granted on 24 th January 2023 to a Mr. P Sexton, who stated he was the owner of the property. The proposed development was to demolish part of the existing dwelling/ storage area and to extend existing dwelling and connect to existing septic tank. This expires in 2028
February 2023	Section 8(2) notice under the Derelict Sites Act 1990 served on Shalimar Pub Ltd- it was erected on the property.

April 2023	An email was sent by the Derelict Sites team to the Agent who acted for owner in the planning application. He advised that a commencement notice was being prepared
May / June 2023	Site inspection showed that no works had commence on site. Agent advised that this was due to issues with mortgage application by the owner
October 2023	Section 8(2) notice under the Derelict Sites Act 1990 served on Shalimar Pub Ltd- it was erected on the property.
November 2023	Agent advised that there was no further progress re commencement notice
March 2024	Notice of Valuation issued to owner re billing of Derelict Sites Levy
November 2024	CCC became aware that the transfer of ownership to Ahakista Property Investments Ltd had concluded and therefore re-commenced the process under the Derelict Sites Act 1990. Inspection showed that no works had commenced on site. Shalimar Pub Ltd own the adjacent site in CE 30049F
January 2025	Section 8(2) was served on Ahakista Property Investments Ltd- No submission received from the owners
March 2025	Section 8(7) was served on Ahakista Property Investments Ltd

RECOMMENDATION

The Directors of Shalimar Pub Ltd (former owner of the property) and Ahakista Property Investments Limited (registered owner of the site) are the same.

No works have been done since initial notices under the Act were served in January 2023 on either the previous owner or the current owner.

As there still has been no Commencement Notice submitted as at today's date, on the planning permission granted in January 2023,, I recommend that the process of acquiring the site compulsorily under the Derelict Sites Act 1990 (as amended) be initiated.

Signed: *Doreen Norris*
Doreen Norris
Assistant Staff Officer

Date: 11 July 2025

Approved: *Carmel Greene*
Carmel Greene
Senior Executive Officer

Date: 17 July 2025



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

File copy

4th September 2025

The Secretary
Abakista Property Investments Limited
Suite A2- No 1 Charlotte Quay
Limerick City

Re: File Reference	DS 03-40
Derelict Site situated at:	Breaffa South, Spanish Point, County Clare

A chara,

I refer to previous correspondence with you in relation to the derelict site at the above location.

Clare County Council has now been in correspondence with you / your agents and previous companies with regard to this property and despite this, the property remains in a derelict state. The Council can no longer allow the property to remain derelict and thus, has taken the decision to compulsorily acquire the property.

In this regard, I am serving the attached notice on you, with the attached map. This notice sets out the time period in which you can lodge an objection to the compulsory acquisition of the property.

The Derelict Sites Act, 1990 (as amended by the Planning and Development Act, 2000) provides that if an objection is made to the proposed compulsory acquisition of a derelict site and the objection is not withdrawn, the derelict site shall not be acquired compulsorily by the Local Authority without the consent of An Coimisiún Pleanála.

At this stage of the process, only a formal objection to the proposed CPO can be made.

Is mise, le méas

Carmel Greene
Senior Executive Officer
Property Management Unit
065-6846571

**An Rannóg um Bainistiú Réadmhaoine
An Stiúrthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Property Management Unit
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



4th September 2025

COMHAIRLE CLARE
CONTAE AN CHLÁIR COUNTY COUNCIL

The Secretary
Ahakista Property Investments Limited
Suite A2- No 1 Charlotte Quay
Limerick City

Re: File Reference DS 03-40
Derelict Site situated at: Breaffa South, Spanish Point, County Clare

Notice of Intention to Acquire Derelict Site Compulsorily under the Derelict Sites Act, 1990 (as amended by the Planning and Development Act, 2000)

Notice is hereby given that Clare County Council (hereinafter referred to as the "Local Authority"), having offices at Áras Contae an Chláir, New Road, Ennis, County Clare, V95DXP2, in exercise of the powers conferred on them by Section 14 of the Derelict Sites Act, 1990, intend to acquire compulsorily under the said Act, the derelict site described hereunder.

A map of the said derelict site has been deposited at the Property Management Unit of Clare County Council at Áras Contae an Chláir, New Road, Ennis, County Clare, V95DXP2 and may be inspected there during office hours.

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Map Reference Number	2003-40-01

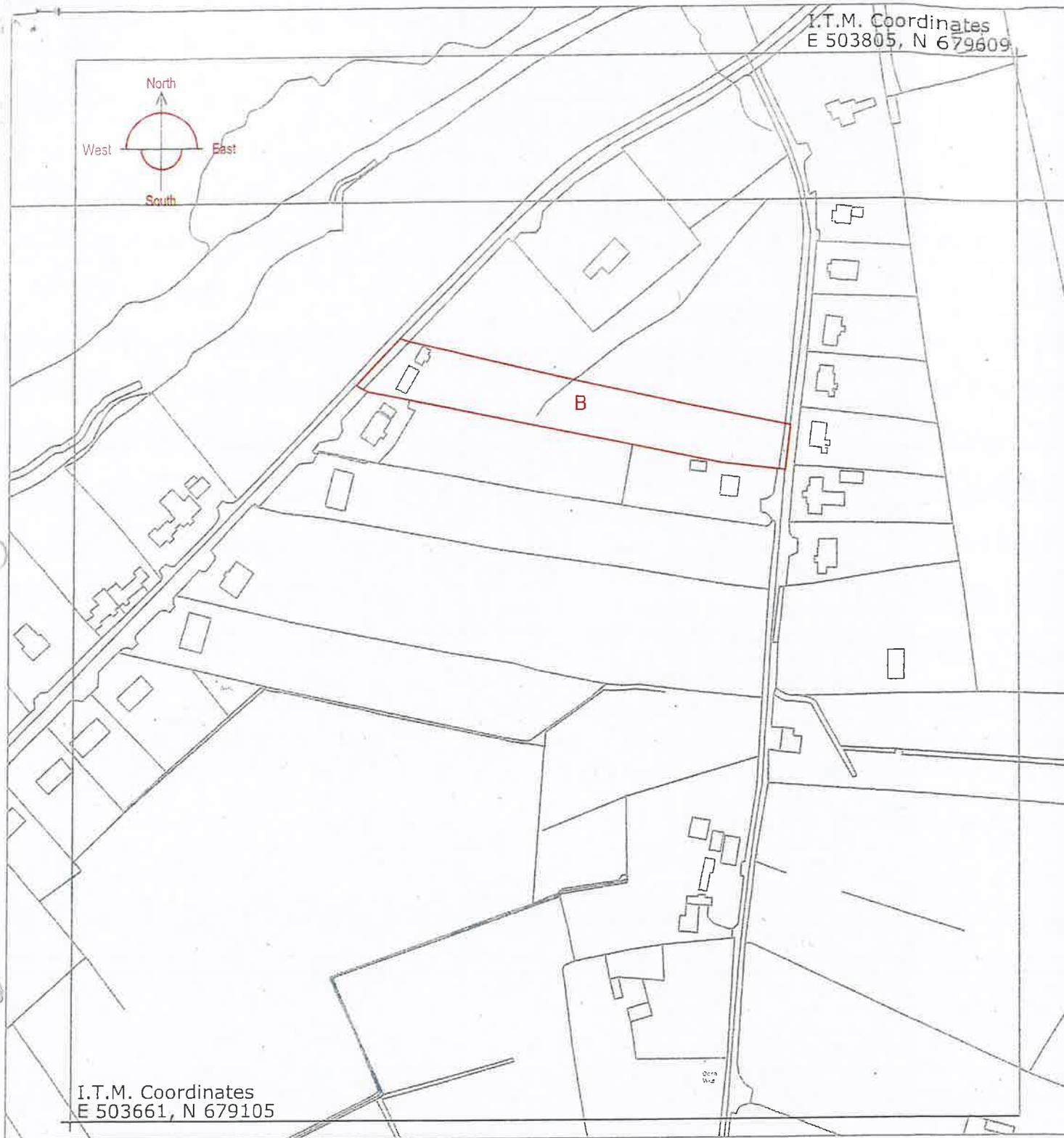
Dated this: 4th day of September 2025

Signed: Daniel Greene

Senior Executive Officer / Bainistíú Réadmhaoine
Property Management Unit / Forbairt Gheilleagrach
Áras Contae an Chláir, New Road, Ennis, Co. an Chláir, V95 DXP2
Email: arcgreene@clarecoco.ie

**Property Management Unit
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



Compulsory Acquisition Map

Compulsory Acquisition of Derelict Site under Section 15 of Derelict Sites Act, 1990

Compulsory Acquisition of Derelict Site by Clare County Council
Property at: Breaffy South, Spanish Point, Co. Clare

File Reference: DS 03-40

Area to be acquired shown as red polyline (boundary to centre of polyline)

-Site marked "B" = 0.486 Ha. Folio: CE4880F

Townland: Breaffy South, Scale:1:2500

O.S. Sheet: 4256-B & 4256-D Certified:

Aidan Acheson
Technician,
Clare Co. Council

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Compulsory Acquisition of Derelict Site at:
Breaffy South, Spanish Point, Co. Clare

Compulsory Acquisition Map

2003-40-01 ISSUE 1:2500@A4

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