

APPENDIX C



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

13th October 2023

Shalimar Pub Ltd.
Fisher Street
Doolin
Co. Clare



A chara,

I refer to the notice under the Derelict Sites Act, 1990 issued to you on 1st March 2023 regarding the above mentioned site.

I now enclose a Section 8(7) Notice issued to you, as registered owner of the site, in accordance with the provisions of the Derelict Sites Act, 1990, along with the associated site map. The property is now on the Derelict Sites Register and the Council is entitled to value the property and charge an annual Derelict Sites levy on it of 7% of the value of the property until the property is rendered non-derelict.

I am available to discuss the matter with you, should you wish.

Yours sincerely,

Carmel Greene

*Senior Executive Officer
Economic Development Department.*

derelictsites@clarecoco.ie

065 6846571

An Stiúirthóireacht Forbairt Gheilleagrach

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

Economic Development Directorate

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



COMHAIRLE CLARE

CLONTAE AN CHLÁIR COUNTY COUNCIL

NOTICE UNDER SECTION 8 (7) OF DERELICT SITES ACT, 1990

**NOTICE OF ENTRY OF LAND AS A DERELICT SITE IN THE DERELICT
SITES REGISTER**

13th October 2023

Shalimar Pub Ltd.

Sent by post and erected on site

Fisher Street

Doolin

Ref. DS03-40

Co. Clare

Property at: Breaña South, Spanish Point, Co. Clare

TAKE NOTICE that Clare County Council, the Local Authority for the County of Clare, having its offices at Áras Contae an Chláir, New Road, Ennis, County Clare, in exercise of the powers conferred on it by Section 8 (7) of the Derelict Sites Act, 1990 and of every other power in that behalf enabling, has entered the land described in SCHEDULE ONE below and indicated in colour on the map attached, in the Derelict Sites Register.

This NOTICE is served on you as theregistered owner of the land in question.

Dated this: 13th day of October, 2023

Carmel Greene

Senior Executive Officer

Property Management Unit

An Stúirthóireacht Forbairt Gheilleagrach

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

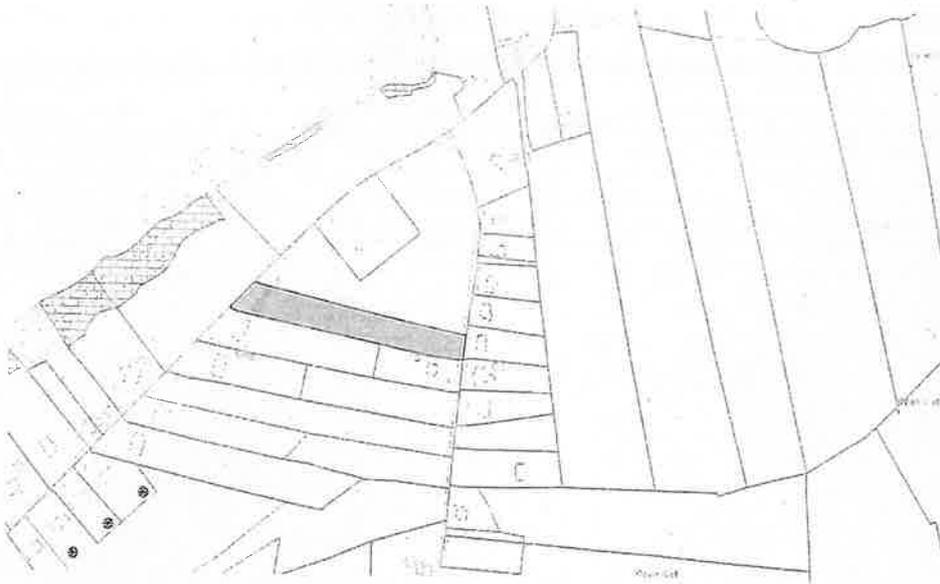
Economic Development Directorate

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

SCHEDULE ONE

DESCRIPTION AND LOCATION OF LAND

Description	Derelict cottage and detached small shed & surrounding site
Location / Address	Breaffa South, Spanish Point, Co. Clare
Post Code	N/A



Folio Number	CE458DF
Title Level	Freehold
Plan Number	1G0
Property Number	1
Area of selected plans	0.49 hectares
Number of Plans on this folio:	1
Address	Not Available
View Folio PDF	Request Certified Copy
The following Applications are Pending on this Folio	
D2021LR152256K	Queued
*PRA Boundaries and Plan Areas are not conclusive. See Section 2(1) of the Land Registration Act 2006 and Section 2(1) of the Land Registration Rules 2006 .	
Print Current View	
Help	

Fiona Whelan

From: Fiona Whelan
Sent: 13 June 2023 09:25
To: 'mntdraughting'
Subject: RE: Derelict Property at Breaffa South, Spanish Point, Co. Clare

Thank you Martin for the update.
I would appreciate you keeping me informed on any progress in this regard.
Regards,

*Fiona Whelan,
Staff Officer,
Economic Development,
Clare County Council,
New Road,
Ennis,
Co. Clare.
V95 DXP2
fwhelan@clarecoco.ie
065 6846259*

*CHM updated
to diary forward
agreed with Cairns
27/6/23*

From: mntdraughting <mntdraughting@eircom.net>
Sent: Monday, June 12, 2023 4:52 PM
To: Fiona Whelan <fwhelan@clarecoco.ie>
Subject: RE: Derelict Property at Breaffa South, Spanish Point, Co. Clare

Dear Fiona

I refer to our previous communication in relation to the above matter and wish to update you on the situation.

Our progress with a Commencement Notice has stalled due to the delay with bank's final approval of my client's mortgage application. He is very frustrated over this delay. Once mortgage is approved, we will proceed with our CN submission to the BCMS.

I'll notify you immediately of any development.

Many thanks

Kind regards

Martin Tubridy

MNT Draughting Services
Cooraclare
Kilrush
Co Clare

Fiona Whelan

From: Fiona Whelan
Sent: 17 April 2023 10:15
To: 'mntdraughting'
Subject: RE: Derelict Property at Breaffa South, Spanish Point, Co. Clare

Dear Martin,

Thank you for your response regarding the above mentioned, the contents of which are noted.

I will put the Derelict Sites process on hold for a month to allow time for the commencement as per your email.

As per your email I look forward to an update in this regard.

Regards,

Fiona.

From: mntdraughting <mntdraughting@eircom.net>
Sent: Friday, April 14, 2023 12:15 PM
To: Fiona Whelan <fwhelan@clarecoco.ie>
Subject: RE: Derelict Property at Breaffa South, Spanish Point, Co. Clare
Importance: High

Dear Fiona

This is in reply to your email regarding Planning Ref P22/666 of the 4th April 2023.

Please note that we are currently preparing a submission for Commencement Notice to the BCMS. Once it is validated we will notify you of the date of commencement & other particulars.

Thanking you.

Kind regards

Martin Tubridy
MNT Draughting Services
Cooraclare
Kilrush
Co Clare
065 90 59 246
086 82 55 364

CRM
checked forward

From: Fiona Whelan [<mailto:fwhelan@clarecoco.ie>]
Sent: Tuesday 4 April 2023 12:51
To: 'mntdraughting@eircom.net'
Subject: Derelict Property at Breaffa South, Spanish Point, Co. Clare

A Chara,

I refer to the above mentioned property which is a derelict site.

Fiona Whelan

From: Fiona Whelan
Sent: 04 April 2023 12:51
To: 'mntdraughting@eircom.net'
Subject: Derelict Property at Breaffa South, Spanish Point, Co. Clare

A Chara,

I refer to the above mentioned property which is a derelict site.

It is noted that you have acted as an Agent for the property owner on **Planning File Ref 22/666** where planning permission was granted to demolish part of the existing dwelling and to extend the existing dwelling.

On March 1st 2023, the property owner was issued with a Section 8(2) Notice under the Derelict Sites Act 1990 and to date no submission has been received in this regard. The Section 8(2) Notice has also been erected on site.

Ahead of the Council taking further action under the Derelict Sites Legislation, can you please revert to me on or before 14th April, 2023. with a formal submission and a timeframe for works to be done?

In the event I do not receive a formal submission in this regard, the Council will take further action under the Derelict Sites Act 1990.

Please feel free to contact the Derelict Sites Team of Clare County Council if you have any queries in this regard.

Mise, le meas,

*Fiona Whelan,
Staff Officer,
Economic Development,
Clare County Council,
New Road,
Ennis,
Co. Clare.
V95 DXP2
fwhelan@clarecoco.ie
065 6846259*



MEMORANDUM

To: Carmel Greene, Senior Executive Officer
From: Anne Marie Burke, Clerical Officer, Property Management Unit
Date: 23/11/2022

DERELICT SITE - REPORT AND RECOMMENDATION

File Reference:	DS03-40
Location:	Breaffa South, Spanish Point
Owner:	Shalimar Pub Ltd.
Date of recent Site Inspection	30/09/2022

Considering that no reply has been received since first letter was issued to Shalimar Pub Ltd. On 13/10/22, I now recommend that a notice under Section 8(2) of the Derelict Sites Act 1990 be served on the owner.

See recent photo taken on 30/09/22



Signed: *AM Burke*
Authorised Officer
Derelict Sites Team
Economic Development Department

Agreed *AG*
18.11.2023



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

13th October 2022

Shalimar Pub Ltd,
Fisher Street
Doolin
Co. Clare

→ wasn't returned by post

Our Reference: DS03-40
Property at: Breaffa South, Spanish Point

A Chara

I am writing to you in relation to the above property and I note that you are the registered owner of same. I am writing to advise you that concerns have been raised in relation to the current condition of the property and on that basis an inspection of the property was recently carried out by Clare County Council. Based on that inspection, the Council considers that the property is derelict, as defined in the Derelict Sites Act, 1990.

I would welcome an opportunity to discuss any proposals you may have for improving the condition of the property and the timeframe for same. I will consider such proposals prior to the Council taking any action under the Derelict Sites Act 1990.

You may be interested in a new grants scheme launched by Government in July 2022 for first time buyers of derelict and vacant properties in towns and villages. Further information is available on the following link:

[gov.ie](http://www.gov.ie) - Croí Cónaithe (Towns) Fund Scheme (www.gov.ie)

I would appreciate a response to this letter by 18/11/2022.

Yours sincerely,

Anne Marie Burke
Derelict Sites Team
Economic Development Directorate
derelictsites@clarecoco.ie
065 6846536

An Stiúirthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

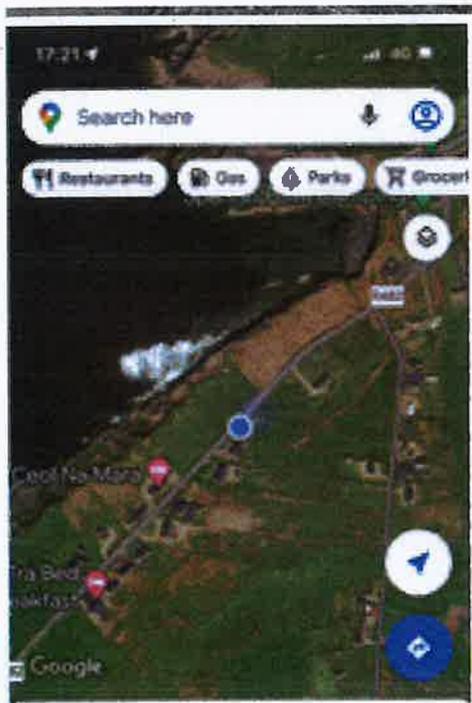
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

Ref: Derelict Site, Spanish Point – File Ref: 03/40
Townland – Breffa South, near Cleedagh Bridge
Site Inspection by Carmel Greene – 30th September 2022



Carmel Greene

Ref: Derelict Site, Spanish Point – File Ref: 03/40
Townland – Breffa South, near Cleedagh Bridge
Site Inspection by Carmel Greene – 30th September 2022



Site location on coastal scenic route

Carmel Greene



PROJECT TITLE:

Cottage, Breaffa South, Spanish Point

DATE:

TIME:

DISCUSSION

MEETING

TELEPHONE

SITE VISIT

FILE NOTE

PARTICIPANTS:

NOTES:

ACTION / OUTPUT

I visited this site on 30th September 2022.
Please see photos attached.

- The property remains boarded up and the site is overgrown
- Some of the boards have rotted, particularly on the shed adjacent to the house.
- The access gate is broken and has fence tape across it to secure it, but it is unsightly, on this main tourist coastal route on the Wild Atlantic Way.
- It is adjacent to the lovely Cleedagh Bridge, which adjoins the headland used regularly by walkers.
- Area of site is 0.49 hectares, with road frontage at both edges of the land.

Ownership

- There is a current dealing pending on Folio CE 4880F - D2021LR153256 K.
- As of 6/10/2022, registered owners are still Shalimar Pub Ltd, Fisher Street, Doolin, Co. Clare.
- The applicant for the dealing was Athakista Property Investments Ltd and the solicitors were Thomas Montgomery + Sons Solicitors. Reference was Ke 1084. Dealing lodged 5/11/2021. Status of dealing is "Queried"
- There is a 2019 Charge on the property to Finance Ireland Credit Solutions DAC dated 15/7/2019.

PTO.

COPIES TO:

- Director of both Companies is
Possibly Patrick O'Connor.

FILE UNDER:

SIGNED:

See attached

DATE:



NOTES:

Montgomery Solicitors, Dun Laoghaire, Dublin
01 - 2808632.

I contacted them and they will give me a call back.
It may be dealt with by David Montgomery.

Q. O'Connell

30th September 2022

Land Registry

County Clare

Folio 4880F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	<p>A plot of ground situate in the Townland of BREAFFY SOUTH and Barony of IBRICKAN containing 0.4755 Hectares shown as Plan(s) 100 edged RED on the Registry Map (OS MAP Ref(s) 30/7, 30/8).</p> <p>The Registration does not extend to the mines and minerals</p>	From Folio CE27829

Land Registry

County Clare

Folio 4880F

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

Land Registry

County Clare

Folio 4880F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965		
1	<p>15-MAR-1990 90CR01697</p>	<p>PAUL CRONIN of THE CLIFF COTTAGE, SPANISH POINT, COUNTY CLARE and ROSEANNE CRONIN of THE CLIFF COTTAGE, SPANISH POINT, COUNTY CLARE are full owners.</p>	<p style="text-align: center;">Cancelled</p> <p style="text-align: center;">D2005CR007157U</p> <p style="text-align: right;">27-JUN-2005</p>
2	<p>27-JUN-2005 D2005CR007157U</p>	<p>PATRICK T SEXTON of Doolin, County Clare is full owner.</p>	<p style="text-align: center;">Cancelled</p> <p style="text-align: center;">D2019LR103857E</p> <p style="text-align: right;">15-JUL-2019</p>
3	<p>15-JUL-2019 D2019LR103857E</p>	<p><u>SHALIMAR PUB LIMITED</u> (C.R.O. reference number 577764) of Fisher Street, Doolin, County Clare is full owner.</p>	

Land Registry

County Clare

Folio 4880F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p> <p style="text-align: right;">Cancelled D2011LR104315P 09-SEP-2011</p>
2	<p>27 JUN 2005 D2005CR007157U</p> <p>Charge for present and future advances repayable with interest. The Governor and Company of the Bank of Ireland is owner of this charge.</p> <p>Certificate of Charge issued. Rule 156</p> <p style="margin-left: 40px;">NOTE See Entry No 5 below</p> <p style="margin-left: 40px;">NOTE Certificate of Charge Rule 156 cancelled under Section 73 on Instrument No D2011LR104315P</p> <p style="text-align: right;">Cancelled D2019LR103857E 15-JUL-2019</p>
3	<p>28 JAN 2011 D2011LR018790M</p> <p>A judgment mortgage in respect of a judgment obtained by ACC Bank Plc against Patrick Sexton on the 23rd day of July 2010 in the High Court Record Number 2009 No. 4807S in a matter of ACC Bank Plc v Patrick Sexton and John Joseph Gorman on the interest of Patrick Sexton in the property.</p> <p style="margin-left: 40px;">Note: This judgment mortgage is also registered on Folios CE24413, CE4880F, CE28639F, CE3998F, CE5836.</p> <p style="text-align: right;">Cancelled D2019LR103857E 15-JUL-2019</p>
4	<p>13 JUL 2011 D2011LR083564V</p> <p>A judgment mortgage in respect of a judgment obtained by Kilrush Credit Union Limited against Patrick Sexton on the 2nd day of March 2011 in the Circuit Court Record Number 790/2010 in an action/cause/matter of Kilrush Credit Union Limited v Patrick Sexton on the interest of Patrick Sexton in the property.</p>

Land Registry

County Clare

Folio 4880F

Note: This judgment is registered also on folios 30049F, 24413, 39998F and 28639F Co Clare

Cancelled D2019LR103857E 15-JUL-2019

5 ~~09 SEP 2011~~
~~D2011LR104315P~~
~~D2005CR007157U~~ ~~The charge dated 1st September 2001 registered at entry no 2 has been stamped collaterally to a Principal Deed dated 12th April 2001. Maximum Duty of 630 paid on Principal Deed. Copies of both deeds are filed with Instrument No. D2011LR104315P~~
Cancelled D2019LR103857E 15-JUL-2019

6 ~~29 MAR 2018~~
~~D2018LR043458X~~ ~~A judgment mortgage in respect of a judgment obtained by ALLIED IRISH BANKS plc against PATRICK SEXTON on the 23rd day of October 2017 in the High Court Record Number 2016/1628S in a cause/matter/action of ALLIED IRISH BANKS plc v PATRICK SEXTON against the interest of PATRICK SEXTON in the property.~~
~~This judgment is also registered on folios CE28639F, CE31631F and CE30049F~~
Cancelled D2019LR103857E 15-JUL-2019

7 15-JUL-2019
D2019LR103857E Charge for present and future advances repayable with interest. **FINANCE IRELAND CREDIT SOLUTIONS DESIGNATED ACTIVITY COMPANY** is owner of this charge.
NOTE The Certificate as to registration required by Section 409 of the Companies Act 2014 has not been produced.



Ref: Derelict Site, Spanish Point -- File Ref: 03/40
 Townland - Breffa South, near Cleedagh Bridge - Beige Bungalow

Photo from Google Maps = Street View july 2019

Current owners as per Property Registration Authority are:

Folio	Owner Details
CE4880F	SHALIMAR PUB LIMITED (Fisher Street Doolin County Clare)

Folio Number	CE4880F
Title Level	Freehold
Plan Number	100
Property Number	1
Area of selected plans	0.49 hectares.
Number of Plans on this folio:	1
Address	Not Available

Spence
 July 2021