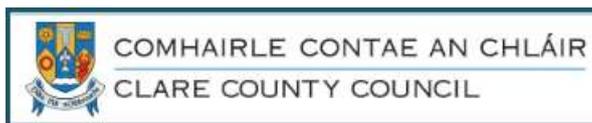


**Clare County Council Reference No. DS03-40**  
**Single storey cottage, shed and surrounding site at Breaffa South, Spanish Point, Co. Clare**





**Clare County Council Reference No. DS 03-40**  
**Derelict two-storey end-of-terrace building and surrounding site at Breaffa South,  
 Spanish Point, Co. Clare**

**Contents**

		Page No
1	Location of Derelict Site	4
2	History of actions taken on the property as a Derelict Site (2003 to 2020)	5
3	History of actions taken on the property as a Derelict Site (2021 to 2024)	5
4	History of actions taken on the property as a Derelict Site (2025)	7
5	Planning History of the site	8
6	Title and Debt on the Property	8
7	Decision to CPO the Property under the Derelict Sites Act, 1990	8
8	Notice of Intention to Acquire the property	9
9	Objection to CPO of the Property	9
10	Conclusion	11



**Clare County Council Reference No. DS03-40**  
**Derelict two-storey end-of-terrace building and surrounding site at Breaffa South,  
Spanish Point, Co. Clare**

**List of Appendices**

- A. Map showing the extent of the Derelict Site DS 03-40
- B. Extract from File on this Property which was dealt with under Derelict Sites Act, 1990 from 2003 to 2020, as set out in Section 2 of the submission, including notices served, photographs and reports.
- C. Extract from File on this Property which was dealt with under Derelict Sites Act, 1990 from 2021 to 2024, as set out in Section 3 of the submission, including notices served, photographs and reports.
- D. Extract from File on this Property which was dealt with under Derelict Sites Act, 1990 during 2025 as set out in Section 4 of the submission, including notices served, photographs and reports.
- E. Details of Title
- F. Planning History - Copies of relevant extracts from planning application files
- G. Decision to CPO the property, notices served and newspaper notices published and evidence of service of notice to CPO.
- H. Objection received to CPO process, commencement notice details and acknowledgement sent.

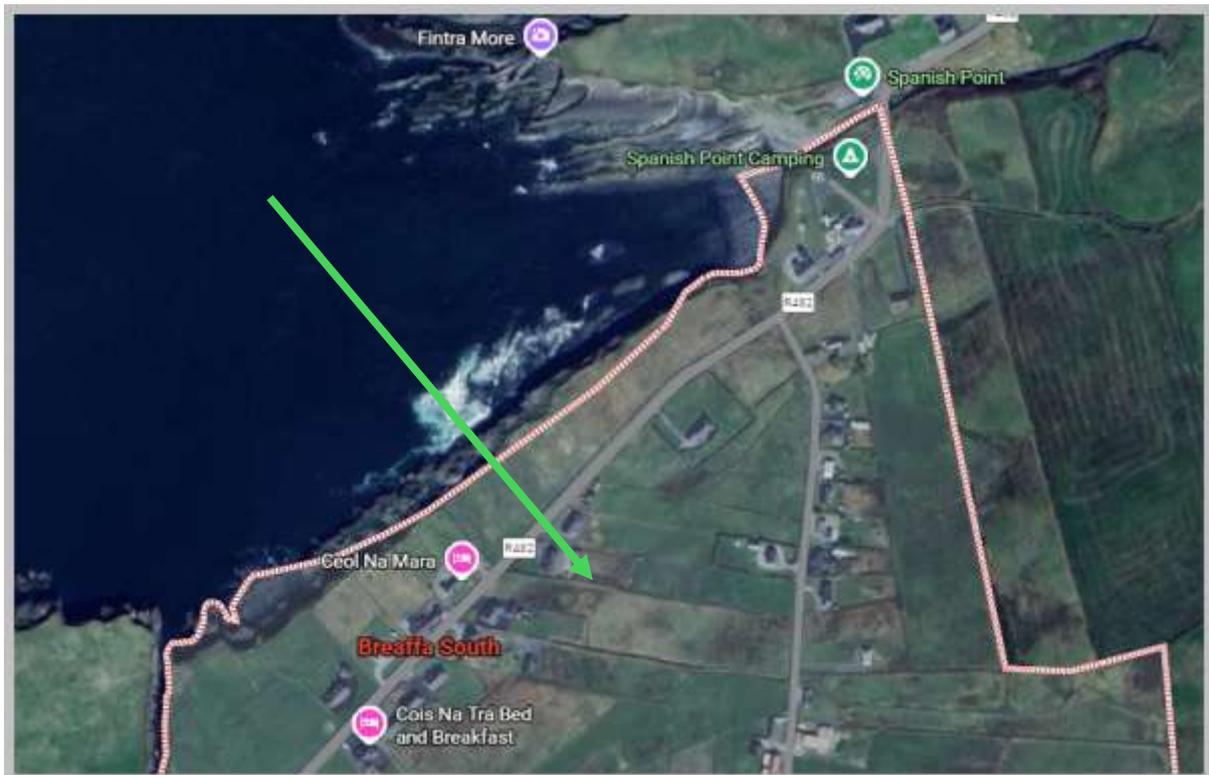
**Re DS03-40 : Derelict two storey end of terrace building and surrounding site at Breaffa South, Spanish Point, Co. Clare**

**1 Location of Derelict site**

This property was first identified as a derelict site in August 2003 and photos of the property at that time are attached together with a short report that was completed on the site at that time. The property is located in the town land of Breaffa South and just a short distance away from the Cledagh Bridge, on the R482, a key scenic drive along the Wild Atlantic Way and a popular place for walkers and tourists in the summer months.

The property is situated on the road edge on one of the most scenic drives in the County and country, along the Wild Atlantic way, as seen on the aerial photograph below. It is a key route in the busy tourist summer season. Clare County Council has done significant work in promoting the town under the Council's tourism promotion remit and has recently adopted the Clare Tourism Strategy.

The aerial photograph below shows the location of the property indicated by the green arrow. All of the adjacent houses are in good condition. A map of the Derelict Site is enclosed as Appendix A.



## **2. History of actions taken on the property as a Derelict Site (2003 to 2020)**

This property was first identified as a derelict site in August 2003 and photos of the property and the short report that was completed on the file at that time are attached. A list of works was drawn up by the Council's Area Planner, which set out the minimum amount of works required to render the site non-derelict. It was beige in colour at that time and the glazing in the windows was broken. The site map for the property was researched in the Land Registry and the registered owners in folio CE4880F at that time were Paul and Roseanne Cronin with an address of The Cliff Cottage, Spanish point, County Clare and they had been owners since 1990

The actions taken were as follows:

- A notice under Section 8(2) of the Derelict Sites Act 1990 was served on the owners on the 22nd of April 2004. The notice was sent by registered post and was returned by on post marked "gone away with no forwarding address -return to sender".

Between 2004 and 2021, Clare County Council did not take any further action under the Derelict Sites Act on this property as had no contact details for the owners.

## **3. History of actions taken on the property as a Derelict Site (2021 to 2024)**

A file review was undertaken in July 2021 as it was clear that while the property was still in a derelict condition, it was boarded up in parts and the garden area was overgrown, making it derelict in appearance. This report was done based on Google Maps imagery from July 2019.

The Folio information showed that the property was contained in Folio CE4880F and the registered owners at that time were Shalimar Pub Limited with an address of Fisher Street, Doolin County Clare. They had acquired it in 2019.

There were a number of charges on the property that had been cancelled over the years but there remained a charge on the property from 2019 to Finance Ireland Credit Solutions Designated Activity Company. A copy of the folio document is enclosed

A file review was conducted with a focus on ownership issues, planning history and information available online. A subsequent search in the planning register was conducted on the property and planning application reference P 22/233 had been made in 2022. The application was made in the name of Patrick Sexton c/o an agent. The proposed development was "the demolition of part of an existing dwelling / storage area, to extend existing dwelling and connect to existing septic tank." The application for permission was refused on 9<sup>th</sup> May 2022. It was noted that on that application form, Mr P Sexton said that he was the owner of the property. The relevant extracts from that planning application are attached in appendix F.

A summary of the actions taken is set out hereunder.

<b>Year</b>	<b>Date</b>	<b>Action taken</b>
2022	30/09/2022	A review of the Derelict Sites file was undertaken and site inspection was conducted. The property was considered derelict under the Derelict sites Act 1990.
2022	13/10/2022	An initial engagement letter was issued to the Company, Shalimar Pub Limited giving them an opportunity to engage with the Council on their proposals and advising them of the new Vacant Property Refurbishment Scheme.
2022	14/11/2022	Message was left with the Solicitors who had acted for the Company in the property acquisition on the dealing pending on the Folio as it was noted that Ahakista Property Investments were in the process of acquiring the property. No call back was received.
2022	25/11/2022 19/01/2023	As no reply was received from letter to current owner or from solicitors to the existing owners, it was decided to serve a Section 8(2) notice on the current owners, Shalimar Pub Limited. This was served on 19 <sup>th</sup> January 2023 by registered and ordinary post. The registered post letter was returned as "Not called for".
2023	20/01/2023 24/2/2023	Site was inspected and no improvement works had been carried out. As the registered post letter was not delivered, it was decided to serve a new Section 8(2) notice and this was erected on site on 24 <sup>th</sup> February 2023.
2023	04/04/2023	An email was sent to the Agent acting for Mr. P Sexton in a 2022 planning application that was granted on the property (See Section 5 below). Information was given to the Agent on the notice served and asked them to consider making a submission to the Council.
2023	14/04/2023	The Agent replied by email that " we are currently preparing a submission for Commencement notice to the BCMS- once validated, we will notify you of the commencement date and other particulars." This was acknowledged by the Council and a period of one month was given to have commencement notice lodged.
2023	25/05/2023	A site inspection was conducted and no works had commenced. A Section 8(7) notice was recommended.
2023	12/6/2023	The Agent advised by email that " progress with the Commencement notice has stalled due to the delay with the Bank's final approval of his client's mortgage application... Once mortgage is approved, we will proceed with notification of Commencement notice to the BCMS." This was acknowledged by the Council.
2023	18/09/2023 6/10/2023	Site was inspected and no improvement works had been carried out. It was decided to serve a Section 8(7) notice and this was sent by Registered post and also erected on site on 6 <sup>th</sup> October 2023.
2023	30/11/2023	Phonecall to Agent to see when work was going to commence on basis of commitments made. He advised that there is no start date for works, owner trying to get some things sorted financially. Advised him re levy and he was to contact owner.
2024		During 2024, the Council reviewed the Folio on the property to check if the previous dealing that had been pending on the Folio had been completed. It was found that the ownership of the property had changed since 2021- that was when the Dealing would have been lodged in the Property Registration Authority. The new owners were Ahakista Property Investments Ltd.

#### 4. History of actions taken on the property as a Derelict Site (2025)

Following on from the assessment of ownership, the Council decided to re-commence the process of service of Derelict sites Notices to the new owners. As the new owners acquired the property in 2021 and it was not on the Derelict sites register at that time, this was considered to be the best course of action and allow the new Company to make a submission under the Act.

A summary of the actions taken and reports completed in 2025 to date is set out hereunder and the attachments are included in Appendix D.

Year	Date	Action taken
2025	16/01/2025	The Council served a notice under Section 8(2) of the Derelict Sites Act, 1990 on the new owners, Ahakista Property investments Ltd, by registered post and ordinary post.
2025	03/03/2025	Report from Senior Officer that no submission was made to the Section 8(2) notice.
2025	04/03/2025	The Council served a notice under Section 8(7) of the Derelict Sites Act, 1990 on the new owners, Ahakista Property investments Ltd, by registered post and ordinary post. The cover letter advised of the levy of 7%.
2025	17/07/2025	Following consideration of the file on the matter and the fact that both the new owners and the previous owners had the same directors of the companies, no works had commenced on site and no commencement notice submitted, a recommendation to proceed to CPO of the property under the Derelict sites Act 1990 was approved.

#### 5. Planning History of the Site

Since 2022, two planning applications have been made in respect of the site in question. These are summarised hereunder and copies of relevant information from the planning files are included in Appendix F. Additional information can be provided if required.

Planning Ref No	Applicant	Development Description	Status of Application
P 22/233	P Sexton	The proposed development was “the demolition of part of an existing dwelling / storage area, to extend existing dwelling and connect to existing septic tank.”	Refused 9 <sup>th</sup> May 2022

<b>P 22/666</b>	P Sexton	Planning application to demolish part of the existing dwelling and connect to septic tank at Breaffy South, Miltown Malbay, County Clare	Permission Granted 24 <sup>th</sup> January 2023
-----------------	----------	--	--

It was only after the issue of the notice of CPO that a commencement notice for the development granted under P 22/666 has been submitted – See Section 9 and Appendix H.

## **6. Title and Debt on the Property**

The property is contained in Folio CE 4880F.

Ownership of the property has been examined over the years by the Derelict Sites Team.

A copy of the folio document as of October 2025 is included in Appendix E.

As of October 2025, there is one burden on the Folio. This burden also applies to other folios in the name of the Company.

20-FEB-2025 D2023LR069926E	Charge for present and future advances repayable with interest. RELM LOAN OPPORTUNITIES 4 DESIGNATED ACTIVITY COMPANY is owner of this charge. Note: This charge is also registered on Folio's CE28639F, CE37545F, CE60508F and CE60486F.  Note: The certificate as to registration required by Section 409 of the Companies Act, 2014 has not been produced.
-------------------------------	---

## **7. Decision to CPO the Property under Derelict Sites Act, 1990**

Although a planning application for development on the site was lodged by Patrick Sexton on 24<sup>th</sup> July 2022, and permission granted on 24<sup>th</sup> January 2023, there has been no engagement from either the applicant or the Secretary/ Directors of Ahakista Property Investments Limited (registered owner of the site) until the decision to CPO the property was made known to him. At no stage had he engaged with the Derelict Sites Team directly and while the Agent has been in touch and made commitments regarding the commencement of the development, no works had commenced and no commencement notice was lodged. As there was still no Commencement Notice submitted as at 8<sup>th</sup> July 2025, the decision to commence the process of acquiring the site compulsorily was initiated.

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

## 8. 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 5<sup>th</sup> September 2025. A copy of the public 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 G. The deadline for the submission of objections was set out in the notice.

The notice of CPO was served on the Secretary of the Company at its registered address.

In the days that followed, verbal representations were received from elected Councillors on behalf of P. Sexton, a director of Ahakista Property Investments Ltd. They were informed that the Company had been given opportunities during the process to make submissions on the Section 8(2) notice and engagement with the Agent had taken place on a number of occasions. As planning permission is in place, the Company needed to commence and complete works on this property to render it non-derelict.

Contact was made by Mr. Sexton by telephone and he advised re his own illness and that of his agent. He had no documentation from the agent but would get someone to appeal the CPO – they do want to do the works that they got planning permission for.

A copy of the notice of CPO was forwarded to solicitor who has been involved in lodging applications to Land Registry previously on some of the Company properties.

## 9. Objection to Acquisition by CPO

One objection was received from by email from AK Planning Consultancy, Millside, Mill Road, Corbally, Limerick behalf of the Company, Ahakista Property Investments Ltd. This is attached in Appendix H.

The letter sets out the “exceptional and unforeseen circumstances that have directly impeded the ability to advance the approved works within the anticipated timeframe.”

These are summarized hereunder together with the comments of Clare County Council.

- 1 **“The principal shareholder with responsibility for decision making and funding has been suffering from serious ill-health and this has significantly delayed his ability to authorise and implement the necessary works on the property.”**

### **Comment from Clare County Council**

A letter of confirmation from the GP (General Practitioner ) was attached (as confidential information) which provides details on the illness since 2023. If this information had been made available to Clare County Council or the Directors had engaged with the Council’s Derelict Sites Team, consideration of same would have been possible. At no

stage was this advised to the Council and the delay was explained to the Council as financial.

No reason is provided as to why the other Director of the Company did not engage with the council during the period of sickness. The property is owned by a Company and not an individual.

- 2 “A further health issue contributed to the delay in submitting the Commencement notice. The Company’s Agent (Martin Tubridy) who applied for the planning permission on behalf in 2022 and who was also engaged to prepare and submit the Commencement Notice and to oversee the works on the cottage has been seriously unwell now for an extended period”.**

**Comment from Clare County Council -**

A letter of confirmation from the Agent was attached (as private information) which states that “soon after permission was granted, Martin Tubridy suffered ill-health”. No medical certificate is attached. It is not clear if this is the only project that Mr. Tubridy was appointed as agent for that was “constrained time-wise in relation to work that was in hand.” Mr. Tubridy did not disclose this information on the phone conversations with him on 12<sup>th</sup> June 2023 or 20<sup>th</sup> November 2023. If he had, the Council would have discussed the matter and give nthem time to engage another agent, like Mr. Sexton has now done.

- 3 “In addition to the foregoing, the financing of the project has taken a considerable period of time to arrange. Thankfully this has now been resolved and funds are now available.”**

**Comment from Clare County Council**

The ability to fund the project had been put forward by the Agent as a reason why no works were done up to now under the planning permission granted to Mr. P. Sexton. Clare County Council does not fully accept this as the owner runs a number of businesses and owns other properties that could be sold in order to re-develop this property.

It should be noted that the following additional properties are listed on the Tailte Éireann Landdirect website as being in the ownership of Ahakista Properties Ltd. If the Company directors are saying they cannot afford to do the works required on the property up to date or are unable to, one would question their ability to own / operate so many other properties.

Folio Number	Property	Registered owner
CE 60486F	O'Connor's, Pub Fisherstreet, Doolin, Co. Clare, V95 EF63	AHAKISTA PROPERTY INVESTMENTS LIMITED (Suite A2 No 1 Charlotte Quay County Limerick )

CE 60508F	Doolin Ice Cream, Fisherstreet, Doolin, Co. Clare, V95 PX90	AHAKISTA PROPERTY INVESTMENTS LIMITED (Suite A2 No 1 Charlotte Quay County Limerick )
CE37545F	The Stone House, Finuremore, Mullagh, Co. Clare, V95 Y7C1	AHAKISTA PROPERTY INVESTMENTS LIMITED (Suite A2 No 1 Charlotte Quay County Limerick )
CE28639F	Clahane, Liscannor, Co. Clare, V95 XT02	AHAKISTA PROPERTY INVESTMENTS LIMITED (Suite A2 No 1 Charlotte Quay County Limerick )

- 4 **“It is the intention of the owners to proceed with the necessary works to being the property into compliance and remove it from the Derelict Sites Register without delay. To this end, the property owner is now in the process of submitting the commencement notice and commits to having physical works underway on site within three months”.**

#### **Comment from Clare County Council**

This commitment is welcome. In this regard, it should be noted that on 10<sup>th</sup> October, a valid commencement notice has been submitted to Clare County Council as Building Control Authority. A copy of this is included in Appendix H.

As the Council has to lodge the objection to the CPO to An Coimisiún Pleanála within one month of its receipt, the Council will need to carry out a further site inspection to determine if works have actually commenced. This will be done in early November and the report will be sent on to the Commission.

## **10. 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 \(www.gov.ie\)](http://www.gov.ie)

In making this application to An Coimisiún Pleanála for the confirmation of a CPO order, I have considered the individual grounds of objection of one of the Directors of the company, as set out above.

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 over 20 years, with no action taken by the current owners since they were granted planning permission. If as committed to, works actually commence on the property within three months, the Council can review their application to CPO the property.
- III. The Company did not engage with the Council in terms of a programme or works and no firm commitment was made by the Company or their agent. Taking account of the health issues outlined, the Council's Derelict sites Team would have met the owners and agreed a plan of improvements pending full re-development. They did not positively engage with the council.

Is mise le meas,



Carmel Greene  
Senior Executive Officer  
Property Management Unit  
[cgreene@clarecoco.ie](mailto:cgreene@clarecoco.ie)