



An  
Bord  
Pleanála

**Board Direction**  
**BD-016397-24**  
**ABP-317502-23**

At a meeting held on 21/05/24, the Board considered the objections made to Compulsory Purchase Order, the report of its Inspector as well as the documents and submissions on file.

The Board decided to grant consent to the compulsory acquisition of the site at 7 O'Callaghan Avenue, Kileely, Limerick based on the reasons and considerations set out below.

### Reasons and Considerations

Having regard to:

- the chimney shared with No.5 O'Callaghan Avenue appears to have split
- paintwork to front and side elevations was stained and peeling in places
- ivy growing to the flank elevation wall and the wall dividing the garage from rear garden area and to the side boundary wall with No.33 Hogan Avenue;
- the gutter missing to the front roofscape
- a structural crack running through the front and side walls of the garage
- the lean to asbestos roof of the garage is collapsing with a hole in the roof
- no front or side garden boundary

Overall, the property has a derelict, ruinous, neglected, unsightly and has an objectionable appearance from both the public road and surrounding area. and is at significant risk of further deterioration and substantial endangerment.

Having regard to the unsightly and objectionable appearance, overall there is insufficient evidence of adequate attempts or progress to render the site non-derelect and the property thus remains in a derelict, neglected, unsightly and objectionable condition which detracts materially from both its protected status and the amenity and character of the area to an unacceptable degree.

The site 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,

Having considered the objection made to the compulsory acquisition, and also:

- (1) the constitutional and Convention protection afforded to property rights,
- (2) the public interest, and
- (3) the provisions of the Limerick City and County Development Plan 2022-2028,

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.

Finally, it is considered that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelect and to prevent it from continuing to be a derelict site.

**Board Member**

  
Liam Bergin

**Date:** 22/05/2024