

An
Coimisiún
Pleanála

Direction
CD-020333-25
ABP-319295-24

At a meeting held on 23/07/2025, the Commission considered:

- (a) the objections made to the Compulsory Purchase Order,
- (b) the report of the Inspector who held the oral hearing and
- (c) the documents and submissions on file generally.

The Commission decided to **Annul the Order** for the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made at the oral hearing held on the 15th May 2025, the report of the Inspector who conducted the oral hearing into the objections, the purposes for which the lands are to be acquired, as set out in the Compulsory Purchase Order, 'Limerick City and County Council Compulsory Purchase Order 2024, dated 1st March 2024', and also having regard to the following:

- (i) the Constitutional and Convention protection afforded to property rights,
- (ii) the community's general need for housing and improved connectivity,

- (iii) the suitability of the lands and the necessity of their acquisition to facilitate the provision of housing and a new public street, and,
- (v) the provisions of the Limerick Development Plan 2022-2028, which does not include any site-specific objectives regarding the provision of housing or a new public street on the subject lands for which the Compulsory Purchase Order is proposed,

it is considered that, there are potential alternative methods of meeting the community needs for housing and improved accessibility in the general area, which would not require the compulsory acquisition of the lands at Bishop Street/Island Road in Limerick City, by Limerick City and County Council, as set out in the Compulsory Purchase Order and on the deposited maps, and that the Compulsory Purchase Order and its effects on the property rights of affected landowners would be disproportionate to those general objectives and that the proposed Compulsory Purchase Order cannot be justified by the exigencies of the common good.

In deciding not to accept the Inspector's recommendation to confirm the Order, the Commission noted:

- a) that the subject site was not listed on the planning authority's Vacant Sites Register (as provided for under the Urban Regeneration and Housing Act, 2015)
- b) that the subject site was not listed on the planning authority's Derelict Sites Register (as provided for under the Derelict Sites Act, 1990)
- c) the absence of any site-specific development proposals other than an indicative site layout plan lacking any statutory effect
- d) the absence of any site-specific roads objectives in the Limerick Development Plan 2022-2028 relating to the subject lands
- e) the absence of any site-specific housing or development objectives in the Limerick Development Plan 2022-2028 relating to the subject lands

The Commission concluded that, in the absence of any site-specific development objectives to support the proposed Compulsory Purchase Order, general policies and

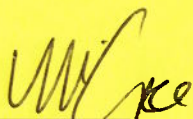
objectives in the statutory Development Plan did not provide sufficient justification for the compulsory acquisition of the subject lands in the absence of a full consideration of alternatives which might help to achieve the same general objectives.

The Commission considered an application by the Irish Wheelchair Association for recovery of their costs of appearing at the oral hearing pursuant to s.219 of the Planning and Development Act 2000, as amended, and decided to award costs of €22,570.50 to the claimant (Irish Wheelchair Association).

Planning

Commissioner:

Date: 24/07/2025



Liam McGree