

An
Bord
Pleanála

Board Direction

BD-017722-24

ABP-319707-24

At a meeting held on 03/10/2024, the Board considered:

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

The Board decided to refuse the Order.

Reasons and Considerations

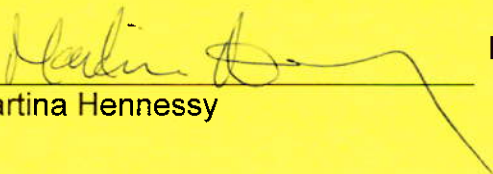
Having regard to the current unsightly and objectionable condition of the site, having considered the objections made to the compulsory acquisition, and also:

- the constitutional and Convention protection afforded to property rights,
- the public interest, and
- the provisions of Limerick Development Plan 2022-2028,

It is considered that the unfinished nature of the site detracts to a material degree from the character and appearance of the surrounding area. The Board, however, in a majority 2:1 decision, having regard to the efforts made by the owner to address the issues that gave rise its derelict condition since the application was received from the local authority on the 9th day of May 2024 and the Inspector's site visit of the 1st day of August 2024, and in the absence of a Section 11 notice having been issued by the local authority to the owner, setting out the specified measures to be taken to address the dereliction of the site, considered it appropriate to allow the owner further time to

complete the works required to render the site non-derelict. The Board, therefore, considered that it would be appropriate to refuse the application for the compulsory acquisition of the site by the local authority at this time.

Board Member:


Martina Hennessy

Date: 03/10/2024