

An
Bord
Pleanála

Board Direction
BD-017682-24
ABP-319708-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/10/2024.

The Board decided (by a majority 2:1 vote) to **REFUSE** consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

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:

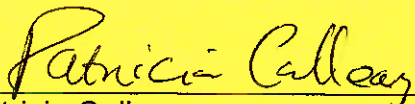
- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of the Limerick Development Plan 2022–2028,

it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, however, having regard to the efforts made to date by the owner, to address the matters that gave rise to the derelict condition of the site, the compulsory acquisition of the site by the local authority is not necessary, in order to render the site non-derelict. The Board is not satisfied, therefore, that at this point in time, 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.

Note:

In disagreeing with the inspector who recommended a grant of consent to the compulsory acquisition, the Board noted and agreed with the inspector's findings that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood. However, the Board considered that efforts have been made by the owner to address the matters that gave rise to the derelict condition of the site and accordingly concluded that at this point in time, the compulsory acquisition of the site by the local authority is not necessary, in order to render the site non-derelict. The Board was not therefore satisfied 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 at this point in time.

Board Member



Patricia Calleary

Date: 01/10/2024