

An
Coimisiún
Pleanála

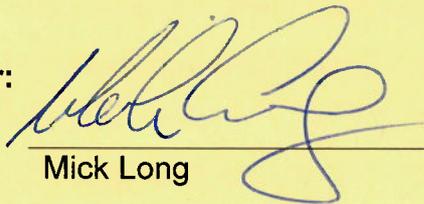
Direction
CD-021927-26
ACP-323730-25

The submissions on this file and the Inspector's report were considered at a meeting held on 11/02/2026.

The Commission decided to refuse consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Planning

Commissioner:


Mick Long

Date: 16/02/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character or appearance of lands in the neighbourhood, having considered the objection made to the compulsory acquisition, and also:

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

it is considered that the site detracts to a material degree from the amenity, character or appearance of land in the neighbourhood and, therefore, comes within the

definition of a derelict site as defined in Sections 3(b) of the Derelict Sites Act, 1990, as amended.

However, the Commission was not satisfied that the compulsory acquisition of the site by the planning authority, at this time, is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is therefore considered that the objection made can be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are not proportionate to that objective and not justified by the exigencies of the common good at this time.

In deciding not to accept the Inspector's recommendation the Commission did not consider the property to be in a ruinous or dangerous condition and agreed that the front garden was only moderately littered with no evidence of rubbish debris or waste and therefore did not come within the definition of a derelict site as defined in Sections 3(a) and 3(c) of the Derelict Sites Act, 1990, as amended. The Commission agreed with the Inspector that that the compulsory acquisition process carried out by Limerick County Council was fair and reasonable however it was not demonstrated to the Commission that the planning authority had provided the specified measures to prevent the property continuing to be a derelict site under Section 11 of the Derelict Sites Act 1990 (as amended) as requested by the registered owner's agent on 21st August 2025.