



An
Bord
Pleanála

Board Order ABP-304282-19

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2019

Planning Authority: Limerick City and County Council

Application received by An Bord Pleanála on the 25th day of April, 2019 from Limerick City and County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a site at Ardpatrick, Kilmallock, County Limerick and as more particularly described in the notice of intention to compulsorily acquire the site.

Decision

REFUSE consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Notwithstanding the current neglected, unsightly and objectionable condition of the land, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, taking account of ongoing efforts by the parties representing the estate of Michael O'Donovan to seek to resolve probate issues relating to the site in question and thereby enable the lands to be restored to residential use and to render it no longer a derelict site, the Board decided that it would be appropriate to refuse to consent to the compulsory acquisition of the site.

In not accepting the Inspector's recommendation, the Board considered that sufficient efforts were being made to bring the property back into use and to render it non-derelict and that sufficient time should be afforded to the representatives of the estate to conclude the necessary court and probate procedures which will enable the property to be restored to use and sold.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019