

An
Bord
Pleanála

Board Order ABP-312549-22

Derelict Sites Act, 1990

Planning and Development Acts, 2000 to 2022

Planning Authority: Limerick City and County Council

Application received by An Bord Pleanála on the 19th day of January 2022 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 derelict site at Abbeyview, Askeaton, County Limerick and as more particularly described in the notice of intention to compulsorily acquire the site.

Decision

GRANT 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 existing structure which is in a neglected and unmaintained condition and fronts onto the edge of the public road. The structure is now roofless, and the rear wall is missing. There is ivy and other growth on the building. The remaining door and window openings are not boarded up and access onto this land is available from the public road. The structure presents as being in a ruinous condition.
- The curtilage behind and to the north-west side of the former house is overgrown and unmaintained.

The combination of these factors detracts to a material degree from the amenity, character, and appearance of land in the neighbourhood because of the neglected, unsightly, and objectionable condition of the land and the ruinous condition of the former house structure. The former house is in a state of dereliction, with its unmaintained condition likely facilitating further decay and the Board noted the absence of an application for planning permission to remedy the situation.

Having regard to the unsightly and objectionable appearance, overall, there is insufficient evidence of adequate attempts or progress to render the site non-derelict and the property thus remains in a neglected, unsightly, and objectionable condition which detracts from the amenity and character of the area to an unacceptable degree.

The site, therefore, comes within the definition of a derelict site as defined in sections 3(a) and 3(b) of the Derelict Sites Act, 1990, as amended.

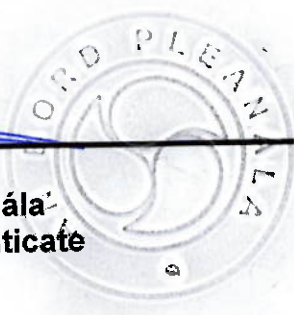

Having considered the objection made to the compulsory acquisition, and also:

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

it is also considered that 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.

Finally, it is considered that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelect and to prevent it from continuing to be a derelect site.



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

Dated this 27th day of May 2024