



An  
Bord  
Pleanála

## Board Order ABP-314578-22

**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 6<sup>th</sup> day of September 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 20 Rossa Avenue, Garryowen, 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 front garden is not maintained, overgrown vegetation and some litter was evident. The front elevation of the boundary wall and property also has not been maintained, the paint has blistered off in part, and requires repair and repainting. The roof tiles appear to have gaps and would require repairing. Vegetation is growing from the chimney pot and gutters.
- The property is now affecting adjacent properties with water ingress and dampness coming through from the derelict property. Site inspections have noted that internally the ceiling is falling down and there are considerable signs of water damage to the internal finishes on the property. Vegetation is growing from gutters, fascia and throughout the front and back gardens.

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 derelict condition of the house structure.

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 28<sup>th</sup> day of May 2024