

An
Bord
Pleanála

Board Order ABP-314584-22

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 6th 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 Johnsgate Village, Johnsgate, 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 rear of the yard has been secured with a solid galvanised steel gateway, windows to the rear elevation are boarded up with metal sheeting as per the front the yard area has litter lying and the metal sheeting that had secured the rear door and windows has been removed and the building is open to the elements.

The combination of these factors detracts from the amenity of the street and the character of the area. The property has been in a derelict state and has remained vacant since 2021. The Compulsory Acquisition Report notes that no works have been carried out to the property to remove it from dereliction and the site continues to be in a derelict state and therefore at further significant risk of further deterioration and substantial endangerment.

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 materially from both its protected status, and 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,

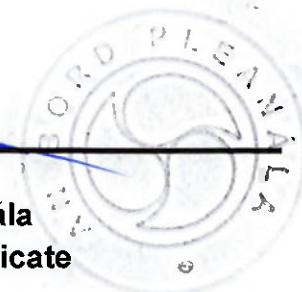
- (1) the constitutional and Convention protection afforded to property rights,
- (2) the public interest, and
- (3) the provisions of the Limerick Development Plan 2022-2028,

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 derelict site.


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



Dated this 27th day of May 2024