



An
Bord
Pleanála

Board Order ABP-315677-23

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 25th day of January 2023 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 Main Street, Athea, 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.

Reasons and Considerations

Notwithstanding the current neglected condition of the site, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, the Board decided that the acquisition of the site by the local authority is not necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site, and that it would, therefore, be appropriate to refuse consent for the compulsory acquisition of the site at this time.

In deciding not to accept the Inspector's recommendation to grant consent, the Board, having regard to the constitutional and Convention protection afforded to property rights, consider that the compulsory acquisition is not proportionate at this time and that the local authority should further engage with the property owner to improve the condition and appearance of the property.



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

Dated this *15th* day of *January* 2024