

An
Bord
Pleanála

Board Order ABP-317502-23

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 30th day of June 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 7 O'Callaghan Avenue, Kileely, 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:

- (a) the chimney shared with number 5 O'Callaghan Avenue which appears to have split,
- (b) paintwork to front and side elevations which was stained and peeling in places,
- (c) the ivy growing to the flank elevation wall and the wall dividing the garage from the rear garden area and to the side boundary wall with number 33 Hogan Avenue,
- (d) the gutter missing to the front roofscape,
- (e) a structural crack running through the front and side walls of the garage,
- (f) the lean-to asbestos roof of the garage which is collapsing with a hole in the roof, and,
- (g) no front or side garden boundary,

overall, the property has a derelict, ruinous, neglected, unsightly and has an objectionable appearance from both the public road and surrounding area and is at 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 derelict, 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:

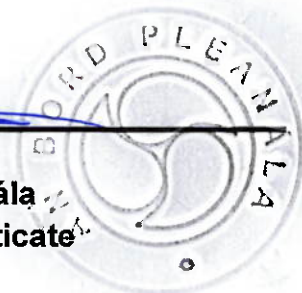
- (a) the constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,

(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-derelict 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