

An
Bord
Pleanála

Board Order ABP-317504-23

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 4 Robert Street, 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 absence of proper permanent roof coverings (all slates removed, and roof is stripped back to the rafters, and also the inappropriate rendering/patching of walls to the western elevation and staining of the walls throughout (particularly to the northern elevation), which gives a ruinous, derelict, neglected and unsightly appearance and leaves the protected structure completely exposed to the elements 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 ruinous, 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.

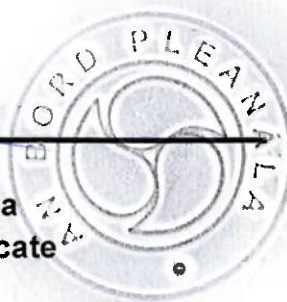
Having considered the objection made to the compulsory acquisition, and also:

- (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-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 29th day of Oct 2024