



An
Coimisiún
Pleanála

Commission Order ABP-319295-24

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Planning Authority: Limerick City and County Council.

Application received by An Coimisiún Pleanála on the 15th day of March, 2024 from Limerick City and County Council pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966) and the Planning and Development Act, 2000, as amended, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Bishop Street/Island Road, Compulsory Purchase Order 2024.**

Decision

ANNUL the Compulsory Purchase Order based on the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made at the oral hearing, held on the 15th May 2025, the report of the Inspector who conducted the oral hearing into the objections, the purposes for which the lands are to be acquired, as set out in the Compulsory Purchase Order, 'Limerick City and County Council Compulsory Purchase Order 2024, dated 1st March 2024', and also having regard to the following:

- (i) the Constitutional and Convention protection afforded to property rights,
- (ii) the community's general need for housing and improved connectivity,
- (iii) the suitability of the lands, and the necessity of their acquisition to facilitate the provision of housing, and a new public street, and,
- (iv) the provisions of the Limerick Development Plan 2022-2028, which does not include any site-specific objectives regarding the provision of housing, or a new public street on the subject lands, for which the Compulsory Purchase Order is proposed,

it is considered that, there are potential alternative methods of meeting the community needs for housing, and improved accessibility in the general area, which would not require the compulsory acquisition of the lands, at Bishop Street/Island Road in Limerick City, by Limerick City and County Council, as set out in the Compulsory Purchase Order, and on the deposited maps, and that the Compulsory Purchase Order and its effects on the property rights of affected landowners, would be disproportionate to those general objectives, and that the proposed Compulsory Purchase Order cannot be justified by the exigencies of the common good.

In deciding not to accept the Inspector's recommendation to confirm the Order, the Commission noted:

- (a) that the subject site was not listed on the planning authority's Vacant Sites Register (as provided for under the Urban Regeneration and Housing Act, 2015),
- (b) that the subject site was not listed on the planning authority's Derelict Sites Register (as provided for under the Derelict Sites Act, 1990),
- (c) the absence of any site-specific development proposals other than an indicative site layout plan, lacking any statutory effect,
- (d) the absence of any site-specific roads objectives in the Limerick Development Plan 2022-2028, relating to the subject lands,
- (e) the absence of any site-specific housing or development objectives in the Limerick Development Plan 2022-2028, relating to the subject lands.

The Commission concluded that, in the absence of any site-specific development objectives, to support the proposed Compulsory Purchase Order, general policies and objectives in the statutory Development Plan, did not provide sufficient justification for the compulsory acquisition of the subject lands, in the absence of a full consideration of alternatives, which might help to achieve the same general objectives.



Liam McGree
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 29th day of July 2025