

An  
Bord  
Pleanála

## Board Order ABP-319677-24

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**Derelict Sites Act, 1990**

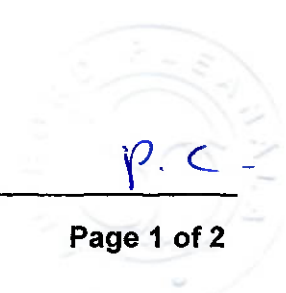
**Planning and Development Acts, 2000 to 2022**

**Planning Authority: Limerick City and County Council**

**Application** received by An Bord Pleanála on the 9<sup>th</sup> day of May 2024 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 Banogue Cross, Banogue, Croom, County 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 ruinous and derelict condition of the structure and the derelict, neglected, unsightly and objectionable state of the land, having considered the objections 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 considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, and, therefore, comes within the definition of a derelict site, as defined in section 3 (a) and (b) of the Derelict Sites Act, 1990, as amended, and 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. 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.

  
**Patricia Callear**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 02 day of October 2024