

An
Bord
Pleanála

Board Order
ABP-319707-24

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 9th 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 Ellen Street, 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.

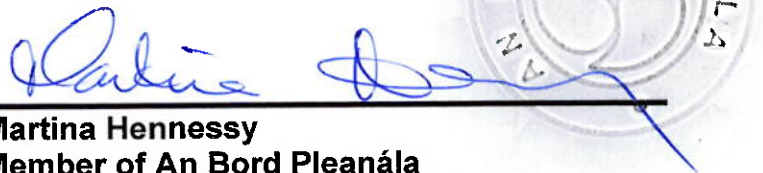


Reasons and Considerations

Having regard to the current unsightly and objectionable condition of the site, 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 considered that the unfinished nature of the site detracts to a material degree from the character and appearance of the surrounding area. The Board, however, in a majority 2:1 decision, having regard to the efforts made by the owner to address the issues, that gave rise to its derelict condition since the application was received from the local authority, on the 9th day of May 2024, and the Inspector's site visit of the 1st day of August 2024, and in the absence of a Section 11 notice having been issued by the local authority to the owner, setting out the specified measures to be taken to address the dereliction of the site, considered it appropriate, to allow the owner further time to complete the works required, to render the site non-derelict. The Board, therefore, considered that it would be appropriate to refuse the application for the compulsory acquisition of the site by the local authority at this time.



Martina Hennessy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 4th day of October 2024