

An
Bord
Pleanála

Board Order ABP-321320-24

Derelict Sites Act, 1990

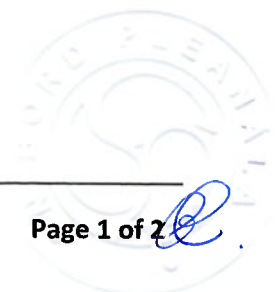
Planning and Development Acts, 2000 to 2022

Planning Authority: Limerick City and County Council

Application received by An Bord Pleanála on the 22nd day of November, 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 Melrose, Ballysimon Road, 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 condition of the site and 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 site is not a derelict site as defined in Section 3 (a), (b) or (c) of the Derelict Sites Act 1990, as amended, as it does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood. Having regard to the efforts made to date by the owner, to address matters that gave rise to the derelict condition of the site, the compulsory acquisition of the site by the local authority is not necessary, in order to render the site non-derelict. The Board is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity, or 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.



Mick Long
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *3rd* day of *April* 2025