



An
Coimisiún
Pleanála

Commission Order ACP-323730-25

Derelict Sites Act, 1990

Planning and Development Act, 2000, as amended

Planning Authority: Limerick City and County Council

Application received by An Coimisiún Pleanála on the 22nd day of September 2025 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 2 Rosbrien Terrace, Rosbrien 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 unsightly and objectionable condition of the subject property, which detracts to a material degree from the amenity, character or appearance of lands in the neighbourhood, 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 Limerick Development Plan 2022-2028,

it is considered that the site detracts to a material degree from the amenity, character or appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Section 3(b) of the Derelict Sites Act, 1990, as amended.

However, the Commission was not satisfied, that the compulsory acquisition of the site by the local authority, at this time, is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is therefore considered that the objection made can be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are not proportionate to that objective and not justified by the exigencies of the common good at this time.

In deciding not to accept the Inspector's recommendation the Commission did not consider the property to be in a ruinous or dangerous condition and agreed that the front garden was only moderately littered with no evidence of rubbish debris or waste and therefore did not come within the definition of a derelict site as defined in Sections 3(a) and 3(c) of the Derelict Sites Act, 1990, as amended. The Commission agreed with the Inspector that that the compulsory acquisition process carried out by



Limerick County Council was fair and reasonable however it was not demonstrated to the Commission that the local authority had provided the specified measures to prevent the property continuing to be a derelict site under Section 11 of the Derelict Sites Act 1990, as amended, as requested by the registered owner's agent on the 21st day of August 2025.



Mick Long
Member of An Coimisiún Pleanála
duly authorised to authenticate
the seal of the Commission.

Dated this *20th* day of *February* 2026