



An
Bord
Pleanála

Inspector's Report ABP-304581-19

Nature of Application

Application for consent for compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended

Location

34-41 Catherine Street, Limerick City

Local Authority

Limerick City and County Council

Notice Party

Thanos Securities Ltd.

Date of Site Inspection

23rd October 2019

Inspector

Mary Kennelly

1.0 Introduction

- 1.1. This case relates to a request by Limerick City and County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at 34, 35, 36, 37, 38, 39, 40 and 41 Catherine Street, Limerick City, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The site is located on Catherine Street which is situated in the Georgian area of Newtown Pery in Limerick City Centre. It comprises 3 no. three-storey terraced properties (Nos. 35-37), 4 no. two-storey over shop terraced properties (Nos. 38-41) and a former coach house (No. 34) on the western side of Catherine Street. It is situated between Mallow Street and Glentworth Street. Access to the rear of the properties is available from a laneway leading from Glentworth Street and from Catherine Street (adjacent to No. 41).
- 2.2. The application site is situated within the Newtown Pery Architectural Conservation Area. The terrace can be split into two main components. Nos. 35-37 are rendered and painted three-storey dwellings with slate roofs which are probably Georgian in origin. These houses were most likely built in the rear gardens of the listed Georgian terrace on Mallow Street and are stated to date from c.1830s and have been constructed in the Georgian style. The coach house (No. 34) is also likely to have related to the Mallow Street properties. This property has been damaged in a fire and is roofless with boarded up windows and an arched gateway. It has a stone gable wall and the front façade has been rendered and painted.
- 2.3. No. 35 is boarded up and has decorative balconettes at first floor level, but earlier photos show multi-pane sash windows. It is listed as NIAH 21517246. There is a railing around what was probably a former lightwell which has been filled in. No. 36 has been altered substantially with non-original windows, and an attic extension with a mansard roof. The submissions indicate that the roof has been substantially damaged and open to the elements and has vegetation growing out of it. No. 37 (NIAH 21517245) has multi-pane sash windows with decorative balconettes at first floor level and a fanlight over the main door (boarded up). There is also a railing around a lightwell with steps leading to a basement.

- 2.4. The second main component of the terrace is the row of four three-storey buildings, which are slightly later in age than the properties to the north, Nos. 38-41. This terrace is attached to the previously described terrace, but with a lower eaves and floor-ceiling heights. The properties are double fronted with a former shopfront along the ground floor of the front façade, which has been boarded up with a long hoarding. The upper floors appear to have been boarded up on the inside. The property has been extended to the rear with a large 2-storey extension. This structure extends alongside the laneway from Catherine Street and is also boarded up and has several broken windows and air-conditioning plant attached to the side gable wall.
- 2.5. On the date of my site inspection, the property was secure with the front doors and front windows on the ground floor boarded up. Several sections of the render on the front façade had been removed or fallen off or was damaged, particularly around the windows, and the stonework/brickwork underneath was exposed. Some of the front doors and windows seem to have been replaced and appear to be in need of repair. There is vegetation growing on the property. This was evident from the street on the façade, from the downpipes and the roof, including the chimneys. Submissions on file indicate that vegetation is also growing out of some of the properties. There is wiring and piping protruding from the property. I was unable to gain access to the site on the day of my site inspection. However, I was able to view the front and side elevations from the street and the laneway adjacent to No. 41 Catherine Street.

3.0 Application for Consent for Acquisition

- 3.1. Limerick City and County Council has applied to the Board for consent to compulsorily acquire the site under section 14/16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under section 29 on 5th December 2016, section 8(2), on 23rd November 2018, (i.e. advising of the Local Authority's intention to enter the site on the register of derelict sites), and under section 8(7), on 7th February 2019, (i.e. advising of the Local Authority's decision to enter the site on the register of derelict sites).

4.0 Application and Objection

4.1. Notice of Intention to Acquire

4.1.1. Notice of Limerick City and County Council's intention to acquire the site compulsorily was served on the owners/occupiers Thanos Securities Ltd. in letters dated 25th March 2019 and was published in the Limerick Leader newspaper on the 30th March 2019. The site was described as follows in the notices (dated 20/03/19):

- A derelict site comprising of a former public house and live music venue situate at 34-41 Catherine Street, Limerick. The said property and surrounding land are in a state of dereliction. The said derelict site is more particularly shown outlined in red on map bearing reference no. DS-075-16 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act 1990.

4.1.2. I consider that the notices were in accordance with the requirements of section 15(1)(a) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition submitted to Local Authority (April 2019)

4.2.1. An objection to the proposed acquisition was submitted to Limerick City and County Council by Clohessy Minihane solicitors, on behalf of Thanos Securities Ltd. in a letter dated 29th April 2019. This letter included a further letter from Tony Bamford, Planning consultant dated 25th April 2019, a schedule of the sequence of events to date in terms of engagement with the Council, and a copy of the internal office memo within the L.A. advising of need to acquire the site. A copy of a Board Order relating to a refusal of permission on the site (231607) was also enclosed with the objection. The objection can be summarised as follows:

- Objection is being made without prejudice to the validity of the placing of the property on the derelict sites register. It is considered that the current owners have clearly demonstrated willingness to address any issues with the property and to work with the Council to achieve resolution of issues relating to dereliction. The Sequence of Events demonstrates clearly that the owners have engaged in meaningful engagement and it is stated that they are still prepared to work with the L.A. to remediate the property.

- The property was registered as a Derelict site under DS-075-16, but this was lifted in 2017 due to works having been carried out to the satisfaction of the L.A. However, it was re-entered onto the Register on 7th February 2019. It was a very short time before the L.A. decided to acquire the property (20th March 2019).
- The owners have engaged in good faith with the Council in an effort to seek a resolution to the matter. This included a site meeting on 24th October 2018 when it was suggested by the L.A. that fire damaged elements of Nos. 35-37 could be demolished prior to consideration of a planning application, but that this would necessitate the serving of a Section 11 Notice under the Derelict Sites Act 1990, as amended, requiring certain works to be carried out. It was acknowledged that this course of action was agreed subject to the receipt of a method statement from the owners together with a conservation report.
- However, the Section 11 notice was never served, despite the submission of a demolition plan, and the property was put back on the Derelict Sites Register on 07/02/19. The L.A. is obliged by the Derelict Sites Act to serve such a notice and has therefore failed in its statutory obligations.
- The decision to compulsorily acquire the property is considered to be unfair, excessive and premature. The current owners purchased the property in September 2016, and as such, there has been insufficient time to progress plans for redevelopment of the site. The proposed CPO, as opposed to a Section 11 notice, serves to delay action to remove dereliction rather than solve it.
- There is also a lack of clarity in the intentions of the L.A. for the property as no options for the future development of the site have been put forward. This is considered to be contrary to Section 10 of the Derelict Sites Act, which states that the purpose of acquisition is to ensure that the property does not continue to be derelict.
- The proposed acquisition is also contrary to the CDP policies (ESD5, ESD6, ESD7). The Council has not prepared a design brief. The owners have employed MOLA Architects to develop a feasibility strategy and James Slattery Conservation Architects to advise regarding the historic elements of

the strategy. The proposed CPO is not intended to release strategic blocks of land to facilitate assemblage of sites for regeneration purposes, as the site in question is not strategic.

- The CPO is a waste of public funds which could be better utilised elsewhere. The L.A. did not seek to acquire the site prior to the current ownership, when the market value would have been considerably lower.

4.3. Local Authority's Application for Consent

4.3.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was submitted on 28th May 2019 and was accompanied by the following:

- Local Authority Compulsory Acquisition Report which sets out the local authority's strategic approach to derelict sites in the city and county, a description of the site, the background to the case and the details of the objection. The report included photographs dating from 2016 and a map of the site area.
- Copy of the notices served on the owners/occupiers of the site, dated 20th March 2019.
- Copy of the newspaper notice, dated 30th March 2019.
- Copy of objection made by Clohessy Minihane Solicitors, dated 29th April 2019 together with a copy of a Report on the Architectural Significance of 34-41 Catherine Street dated January 2008.

4.3.2. The **Derelict Site Report** can be summarised as follows:

- Limerick City and County have established a specialised 'Dereliction and Vacancy Team' to take an area-based collaborative approach to addressing vacancy and dereliction in Limerick City and in the towns and villages in the County. The team focuses on bringing derelict and vacant sites back into use, particularly in areas of high housing demand, town and village centres and the historic core of the City. They seek to work proactively with property owners, with timely actions and improvement of sites through positive engagement. It

is stated that the powers under the Derelict Sites Act, 1990 are used only where necessary, where all reasonable alternatives have been exhausted.

- The property first came to the attention of the L.A. in September 2011 and again in November 2016, but has remained vacant and derelict since then. It had a Derelict Site Case opened, Ref. DS-010-12, when it was first inspected, but remedial works were carried out to the L.A.'s satisfaction and the case was closed. A further Derelict Site Case was opened in 2016, Ref. DS-075-16, following a re-inspection in November 2016.
- Land registry searches were carried out to establish ownership. In response to a Section 29 Notice, the L.A. was advised that Grant Thornton had been appointed receivers in July 2016. Thanos Securities Ltd. purchased the site subsequently and the L.A. was advised of this in January 2017. Representatives from Eko Integrated Services Ltd. met with the L.A. in March 2017 on behalf of owners and it was agreed to carry out certain remedial works. These were described as basic remedial works which were temporary in nature and it was stated that a commitment to a pre-application meeting was given, together with an undertaking that a feasibility study would be carried out, and that a survey by a conservation architect and a masterplan for the site would be prepared.
- Two fires occurred in 2018 at No. 34, (January and September). In October 2018, a site meeting was held when it was suggested by the L.A. that non-historic fire damaged parts of the structure be demolished and that these measures be specified in a Section 11 Notice, pending the receipt of a new Conservation Architect's Report (the report submitted was over 10 years old), and the approval of the L.A's Conservation Officer. However, it is stated that a demolition plan was not forwarded until March 2019.
- The property was inspected on a number of occasions by the Local Authority. Photographs from each of the site inspections dated December 2016, June 2017, September 2018, October 2018, November 2018 and May 2019 are included with the application. It was decided to progress the case in November 2018 given the fires, lack of progress with the feasibility study and conservation report. Notices were served under the Derelict sites Act 1990

and further notices were served under the Urban Regeneration and Housing Act 2015 in April 2018. The property was also entered onto the Vacant Site Register in June 2018 and notices were served under the Sanitary Services Act. It is stated that whilst the owners have attended meetings and carried out some remedial works, at each time these have been in response to Notices being served.

- The properties are within the Newtown Pery Architectural Conservation Area, on Catherine Street, the centre of Georgian Limerick. Nos. 35 and 37 are recorded on the National Inventory of Architectural Heritage as NIAH 21517246 and 21517245 respectively. The adjoining properties on Mallow Street, numbered 5-10 are all on the L.A.'s Record of Protected Structures. It is stated that some of these properties are currently undergoing restoration with the aid of funding by the Local Authority.
- The site has a very neglected and unsightly appearance which detracts to a material degree from the character and appearance of Catherine Street. No. 34 has recently had its roof removed due to fire damage and at various locations along the terrace vegetation can be seen growing, render falling onto the footpath, paint peeling, graffiti, rust on metal door shutters, broken glazing and unsecured windows. There are also fire damaged buildings in the rear yard.
- Following the section 29 notice and inspections in 2016, a section 8(2) notice was issued on 23rd November 2018 and a Section 8(7) notice was served on 7/02/19, taking into consideration the continued dereliction of the site. The Section 15 notice was issued on 25th March 2019.
- An objection to the section 15 notice was submitted by Clohessy Minihane Solicitors on behalf of the owners on 29th April 2019.
- The Local Authority intends to pursue the compulsory acquisition of the derelict site.

4.4. Objector's Submission to Board (July 2019)

- 4.4.1. The Board should note that it is intended that the Local Authority will meet with the current owners as a pre-planning meeting on 2nd August 2019. The purpose of this is to review the feasibility strategy prepared by MOLA Architects.
- 4.4.2. The local authority's report indicates that it has no plans for the future development of the site and the proposed course of action will only serve to delay bringing the site back into use.
- 4.4.3. In the meantime, however, the owners have continued to work to address the dereliction and vacancy issues, investing considerable time and finance in the process. These measures include-
- Securing the site
 - Working in tandem with the council to address the issues that have arisen on site (see Attachment 1).
 - Appointing a design team to prepare a feasibility study (see Attachment 2)
 - Appointing a Conservation Architect to prepare a conservation report, who is due to meet with the L.A. on 1st August 2019.
 - Scheduling a pre-planning meeting.
- 4.4.4. All reasonable alternatives have not been exhausted and the owner is best placed to promptly return the site from its derelict state. The site requires a comprehensive approach as the building fabric has disintegrated over the years through neglect prior to the purchase by the current owners. A demolition plan and method statement were submitted to the L.A. in March 2018 and soon afterwards a compulsory acquisition notice was issued. Notwithstanding this, the owners have continued to engage and had arranged a pre-planning meeting with the Council for the 2nd August 2019.
- 4.4.5. The issues arising from the fire at No. 34 were addressed by December 2018. The remaining roof was removed, and measures taken to secure the site in co-operation with the L.A. The owners continued to engage with the L.A. after the Derelict Site Notices were issued and it is untrue to say that there was a lack of progress. The

expectation of the issue of a Section 11 notice discouraged an objection from the owners.

- 4.4.6. Now that the L.A.'s requirements have been met, in terms of the feasibility study and conservation report, the L.A. should withdraw its compulsory acquisition notice as the reasons for issuing it are no longer valid. It is requested that the Board does not allow the compulsory acquisition for the reasons set out in the original objection to the Local Authority.

5.0 Planning History

5.1. Application Site

- 5.1.1. **PL30.231607** – planning permission **refused** by the Board in **May 2009** for construction of six floors of commercial accommodation consisting of offices, retail at street level, three levels of basement car parking with 110 car parking spaces and associated site works in connection with the proposed development. This includes demolition of numbers 34, 35, 36, 37, 38, 39, 40 and 41 Catherine Street along with the buildings to the rear of these properties including the former Limerick Leader printing premises. The facades of 35, 36 and 37 (35 and 37 are proposed protected structures) will be retained and restored to their original state, all at 34-41 Catherine Street, Limerick.
- 5.1.2. The **reason for refusal** referred to the location of the site within the 18th century extension to Limerick City known as Newtown Pery, which is an area of unique architectural character and of considerable heritage value to the city. It was also noted that the area is designated as an ACA and that Nos 35 and 37 are proposed to be designated as protected structures. Reference was then made to CDP Policy C3 and Policy C5 which seek to encourage and facilitate careful refurbishment of the historic built environment and to only permit demolition of structures (or part of structures) in ACAs where the structures are considered not to contribute to the special character of the area or where the new build will enhance the special character more than would the retention of the original structure. The Board considered that -

The proposed development, which would entail the demolition of most of the fabric of the historic buildings numbered 34-41 Catherine Street, would be an inappropriate design intervention in the streetscape at this location and would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

- 5.1.3. **PL30.207384** – planning permission was **refused** in 2004 by the Board for the demolition of Nos. 34, 35 and 36 Catherine Street, the retention of facades and the construction of a four-storey transitional residential apartment building. The reason for refusal was on architectural heritage grounds and was similar to that in 231607 summarised above.
- 5.1.4. **06770276** - Permission was granted by P.A. in respect of Nos. 38-41 Catherine Street for the construction of 3 retail units on the ground floor and basement level and for 16 no. apartments on the first, second, third and fourth floor levels. Permission was granted in 2012 for an extension of duration of this permission, which expired on 29th April 2017.
- 5.1.5. I am not aware of any other recent relevant planning history in the surrounding area.

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The applicable Development Plan is the Limerick City Development Plan 2010 – 2016 (As extended). The site is zoned **Retail Commercial – City Centre Area C1.1**. **Zoning Objective ZO.1** seeks to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan. The site is located approx. 60 metres from the Lower River Shannon SAC (002165).
- 6.1.2. Chapter 3 of the Plan sets out the Economic Strategy. The City Centre is described as the key driver of economic activity in the region (3.2). It is stated that the city Centre has seen significant development in the past 10 years and that the P.A. has an ambitious programme of works targeted at improving the attractiveness of the City Centre which includes pedestrianisation of the central core and a riverside improvement strategy. In respect of **Derelict Sites** (3.5) it is stated that these detract

from the attractiveness of the City Centre as a location for inward investment. **Policy EDS.11** seeks to maintain an up to date Derelict Sites Register and to implement the provisions of the Derelict Sites Act 1990 to remove these sites from dereliction.

- 6.1.3. The overall strategy for the City Centre Retail Area is to reinforce the City Centre's role in the retail hierarchy by facilitating retail development. However, retail uses are not prioritised to the exclusion of other uses and other uses such as residential, hotel, office, cultural, leisure facilities etc are also encouraged.
- 6.1.4. Chapter 10 sets out the policies relating to **Architectural and Built Heritage**. Policy **BHA.11** seeks to positively encourage and facilitate the careful refurbishment of the structures of Architectural Heritage merit and Protected Structures for sustainable and economically viable uses. It is emphasised that any changes or alterations to the character of a Protected Structure must be carried out in such a way that the existing special character is retained and enhanced. Policy **BHA.13** seeks to facilitate developments to protected structures that do not materially affect the architectural character employing conservation best practice standards for any purpose compatible with the character of the building and to make available financial assistance where possible. **BHA.14** states that proposals for the demolition of a Protected Structure shall not be permitted except in exceptional circumstances and where it can be shown that a greater public interest will be served which outweighs the loss of the architectural heritage. It is further noted that buildings highlighted in the NIAH are recommended for inclusion in the Record of Protected Structures.
- 6.1.5. Chapter 10 Part IV sets out the policy with regard to **Architectural Conservation Areas**. It is stated that these areas have a special character which contributes to their surroundings and whose features it is an objective to protect from demolition or inappropriate alteration or interventions. There is a statement of character for Newtown Pery ACA (ACA 1A) at 10.13-14 which includes a schedule of threats to the ACA. These include the dereliction and abandonment of Georgian buildings, inappropriate and insensitive redevelopment or additions/extensions impacting the original form, fabric and appreciation of buildings or streetscape when viewed from a public place. Newtown Pery is described as the core heart of Limerick's Georgian Heritage. Policy **BHA.18** seeks to protect the special heritage values, unique characteristics and distinctive features of ACA 1A from inappropriate development affecting the external materials and features defined in the 'Statement of Character'

and 'Key Threats to Character'. Policy **BHA.24** states that the demolition of structures or parts of structures will in principle only be permitted in an ACA where the structure, or parts of structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure. Any structure or part of a structure permitted to be demolished shall first be recorded prior to demolition, and shall be monitored during demolition.

6.2. Derelict Sites Act 1990 (as amended)

6.2.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require land owners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.2.2. Section 3 of the Act defines 'derelict site' as:

“any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”

6.2.3. Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so. Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site. Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to

ensure that any land in their functional area does not become or continue to be a derelict site. Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily, and section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Board.

7.0 Assessment

- 7.1. Internal access to the property was not possible on the date of my site inspection. However, I carried out my site inspection from the public road and from the laneways adjoining the site.
- 7.2. The property is vacant and has a neglected, unsightly and objectionable appearance from the public road and the surrounding city centre area. This is due to the fact that the render is falling off the front façade, paint is peeling off the walls, the doors and windows on the ground floor are boarded up and the roof is in a poor state of repair with sections of the guttering missing and vegetation growing within the remaining gutters, on the facades and out of the chimneys. Barge boards, soffits and downpipes are broken or missing. There have been two fires at No. 34 which has resulted in most of the roof of this building being removed. The local authority reports indicate that sections of render had had fallen onto the public footpath. As a result, the stonework underneath is exposed. There are several broken or unsecured windows, particularly at the rear and evidence of graffiti and debris when viewed from the rear lane.
- 7.3. The property is situated within the Newtown Pery ACA, which is described in the CDP as the heart of the Georgian core of Limerick City, and is an area of unique architectural character and of significant heritage value. Two of the buildings (Nos 35 and 37) are Proposed Protected Structures (NIAH registered) and are late Georgian

houses of classical design. Nos. 34-37 are also sited to the rear of Protected Structures Nos. 5-10 Mallow Street, and may have formed part of the curtilage of these buildings, but at least, the setting of these structures are important. The CDP seeks to ensure that the such historic buildings are carefully refurbished and that the special character of protected structures is not harmed and is enhanced.

- 7.4. Catherine Street forms an integral and important part of the Newtown Pery ACA. The Board has on two occasions rejected proposals for inappropriate development on the site which involved demolition of substantial amounts of the historic fabric of these buildings and redevelopment at a scale and density which is considerably higher than the established pattern of development. The reasons for refusal related to the extent of demolition and the inappropriate design intervention in the streetscape, which would be seriously injurious to the amenities of the ACA. The Threats to the Character of the Newtown Pery ACA set out in Chapter 10 of the CDP include dereliction and abandonment of Georgian buildings as well as inappropriate redevelopment. Policy **BHA.18** seeks to protect the special heritage values, unique characteristics and distinctive features of ACA 1A from inappropriate development. It is also the policy of the L.A. to only permit demolition of protected structures, proposed protected structures, and structures, or parts of structures, in ACAs where such structures do not contribute to the special character of the area, or where the new build will enhance the special character more than the retention of the original structures would have done.
- 7.5. A substantial part of the current owners' objection to the compulsory acquisition is based on the fact that they have engaged with the local authority in an effort to seek a redevelopment of the site. This has consisted of a number of meetings and the submission of a Feasibility Study. It is also stated that a proposed demolition plan has ben submitted. However, there is no indication of whether a development proposal has been advanced to a stage where it could form part of a viable planning application. Given the planning history on the site, together with the highly sensitive nature of the historic area of the city within which the property is located, and the policy approach set out in the City Development Plan, it is considered that there is considerable effort required to reach a reasonable solution for the site. In the meantime, the buildings are likely to continue to deteriorate, which could possibly undermine the prospect of careful restoration and refurbishment as an option, and

would threaten the preservation of the character of the ACA and of the nearby protected structures.

- 7.6. The area in general is part of the City Centre for which there are Development Plan policies to promote the attractiveness of the City Centre. The area has an attractive appearance and the public realm is well cared for, with high quality public amenities such as the People's Park and the Art Gallery. Having regard to the foregoing, I therefore consider that the application site detracts to a material degree from the character and appearance of the surrounding area.
- 7.7. No. 34 Catherin Street has lost its roof and is open to the elements. There is also some evidence in the submissions that part of the roof of No. 36 Catherine Street is also damaged and that this property may be exposed to the elements. I was unable to inspect the interior of the properties, and cannot confirm whether Nos. 34-37 Catherine Street are in a ruinous state. However, from the evidence on the file, it would appear that at least two of these properties are in a ruinous state. Apart from the render coming away at the front and the poor state of repair of the buildings at the rear of 38-41 Catherine Street, these buildings appear to be in reasonable structural condition externally. There is no obvious evidence of significant cracking or additional damage to the external walls, and the roof appears to be generally intact. The window and door openings are either boarded up or are fitted with bars/grilles and some are broken. I note from the photographs provided with the Local Authority report, however, that the property has deteriorated considerably since the first inspection in 2011, when it appears that part of the render around one of the ground floor windows had been removed/fallen off, exposing the stone underneath. I also note from the Planning Inspector's report for PL30.207384 that the properties at Nos. 34-37 have been vacant and in a poor state of repair since at least 2006.
- 7.8. Having regard to the above, I would consider that the site falls within category (b) of section 3 of the Derelict Sites Act, 1990 due to the land and structure being in a neglected, unsightly and objectionable condition. With regard to category (a), this relates to structures which are in a ruinous, derelict or dangerous condition. Having inspected the site, I consider that there is evidence that parts of the structure are in a dangerous condition, and that it could be considered ruinous, as part of the roof is missing, parts of the stonework is exposed and there is vegetation growing out of the chimney and the roof and other parts of the building. Parts of the front render have

previously fallen onto the public footpath, according to the Local Authority. Thus, it is considered that the site falls within category (a) of the Derelict Sites Act. 1990.

- 7.9. It was not possible to see whether there was any litter within the application site or any evidence of waste being stored externally. There was some debris in the laneway to the side of No. 41 Catherine Street. However, I do not consider that the quantity of waste is sufficient to materially detract from the amenity or appearance of the lands in the vicinity, and I do not consider, therefore, that the site falls within category (c) of section 3 of the Act. In conclusion, I consider that the property demonstrably detracts from the amenity, character and appearance of land in the vicinity of the site, which in my view, renders it derelict under section 3 of the Act.
- 7.10. I note the actions of the Local Authority and the statutory notices served on the owner/occupier in respect of the building. Section 8(2) notices were served on the owners on 23rd November 2018, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served on 7th February 2019, advising the owners that the site had been entered on the Derelict Sites Register. Finally, section 15(10)(a) notices were served on 25th March 2019 and published in the Limerick Leader Newspaper on the 30th March 2019 regarding the Local Authority's intention to acquire the site compulsorily.
- 7.11. I note the objection made to the Local Authority on behalf of the owners, Thanos Securities Ltd. on the 29th April 2019 to the proposed acquisition of the site, stating that the owners had been willing to carry out some repairs and that they continue to be willing to work with the local authority to progress the redevelopment of the site, and that the proposed compulsory acquisition of the site undermines and frustrates these efforts. In a later letter to the Board, (30th July 2019), it is further noted that the owners have employed an Architectural Firm and a Conservation Architect and that they have produced a Feasibility Study and are in the process of producing a Conservation Report. It is further noted that a meeting was scheduled for 2nd August 2019 between the representatives of the owners and the local authority. However, no further objection or submission has been made to the Board. I also note that the property has been secured and that maintenance works have been carried out to the property. Having inspected the site, there is no evidence of any attempt to render the site non-derelict and the property remains in a neglected and unsightly condition. I therefore consider that the site remains in a derelict condition.

7.12. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authority's application for consent to compulsorily acquire the site at No. 34, 35, 36, 37, 38, 39, 40, 41 Catherine Street, Limerick is granted.

8.0 Recommendation

8.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.

8.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by section 14 of the Act. I recommend, therefore, that the Board grant consent to Limerick City and County Council to compulsorily acquire the site.

9.0 Reasons and Considerations

9.1. Having regard to the neglected, unsightly and objectionable condition of the site, 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 sections 3(a) and 3(b) of the Derelict Sites Act, 1990, as amended, and that the acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained having regard to that said necessity.

Mary Kennelly

Senior Planning Inspector

1st November 2019