



An  
Bord  
Pleanála

## Inspector's Report ABP.308969-20

### **Nature of Application**

Application for consent for compulsory acquisition of 33 no. derelict sites within a single housing estate in accordance with Section 14 of the Derelict Sites Act 1990, as amended

### **Location**

Plot No. 12 Ballywilliam Close,  
Rathkeale, Co. Limerick

### **Local Authority**

Limerick City and County Council

### **Notice Parties**

See attached schedule

### **Date of Site Inspection**

19<sup>th</sup> March 2021

### **Inspector**

Mary Kennelly

*Schedule of Notice Parties for Derelict Sites Notices in respect of Properties  
Numbered 1-33 Ballywilliam Close, Rathkeale, Co. Limerick with ABP Ref. Nos.*

|   |  |
|---|--|
| <b>308952-20</b> - <u>1 Ballywilliam Close</u>  | John Quilligan/Esther Quilligan                    |
| <b>308954-20</b> - <u>2 Ballywilliam Close</u>  | Robin O'Donoghue                                   |
| <b>308962-20</b> - <u>3 Ballywilliam Close</u>  | Kathleen Hegarty                                   |
| <b>308963-20</b> - <u>4 Ballywilliam Close</u>  | James Hegarty/Kathleen Flynn                       |
| <b>308964-20</b> - <u>5 Ballywilliam Close</u>  | Michael Nash/Tony O'Shea                           |
| <b>308970-20</b> - <u>6 Ballywilliam Close</u>  | Denis & Breda Sheridan/Margaret & Breda Sheridan   |
| <b>308971-20</b> - <u>7 Ballywilliam Close</u>  | Michael Egan/Lorraine O'Connor                     |
| <b>308972-20</b> - <u>8 Ballywilliam Close</u>  | Thomas Sheridan/Thomas Quilligan                   |
| <b>308975-20</b> - <u>9 Ballywilliam Close</u>  | Patrick Quilligan/Thomas Sheridan                  |
| <b>308967-20</b> - <u>10 Ballywilliam Close</u> | James O'Connor & Michael Egan                      |
| <b>308968-20</b> - <u>11 Ballywilliam Close</u> | John Flynn   |
| <b>308969-20</b> - <u>12 Ballywilliam Close</u> | Simon Quilligan/Helen Quilligan                    |
| <b>308973-20</b> - <u>13 Ballywilliam Close</u> | James O'Connor/Kathleen O'Connor & Helen Quilligan |
| <b>308976-20</b> - <u>14 Ballywilliam Close</u> | James O'Connor/Kathleen O'Connor                   |
| <b>308977-20</b> - <u>15 Ballywilliam Close</u> | Michael Flynn                                      |
| <b>308978-20</b> - <u>16 Ballywilliam Close</u> | Patrick Kealy/Christine Coffey                     |
| <b>308986-20</b> - <u>17 Ballywilliam Close</u> | Philip O'Donoghue/Nora Flynn                       |
| <b>308987-20</b> - <u>18 Ballywilliam Close</u> | Patrick Flynn                                      |
| <b>308988-20</b> - <u>19 Ballywilliam Close</u> | Mary Connors                                       |
| <b>308989-20</b> - <u>20 Ballywilliam Close</u> | James A. O'Donoghue                                |
| <b>308990-20</b> - <u>21 Ballywilliam Close</u> | James A. O'Donoghue                                |
| <b>308991-20</b> - <u>22 Ballywilliam Close</u> | James O'Donoghue/Breda O'Donoghue                  |

**308997-20** - 23 Ballywilliam Close Dan Sheridan

**308999-20** - 24 Ballywilliam Close Danny O'Donoghue/Fred O'Donoghue

**309000-20** - 25 Ballywilliam Close Mikey O'Donoghue/Michael O'Donoghue

**309001-20** - 26 Ballywilliam Close Patrick O'Donoghue/Jean Sheridan

**309004-20** - 27 Ballywilliam Close Dan O'Brien/Richard O'Brien/Daniel  
O'Brien/Kathleen O'Brien

**309006-20** - 28 Ballywilliam Close Richard O'Brien/Richard/Daniel & Kathleen  
O'Brien

**309007-20** - 29 Ballywilliam Close John Slattery/Michael & John Slattery

**309008-20** - 30 Ballywilliam Close Danny McInerny/Philomena McInerny

**309012-20** - 31 Ballywilliam Close Jim O'Brien/Margaret McCarthy

**309015-20** - 32 Ballywilliam Close Robert O'Brien

**309016-20** - 33 Ballywilliam Close Fred O'Donoghue/Kathleen O'Donoghue

## 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 all 33 of the subject sites at Nos. 1-33 inclusive, Ballywilliam Close, Rathkeale, Co. Limerick, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## 2.0 Site Location and Description

- 2.1. Rathkeale is a small town with a population of c.1,500, which is situated approx. 30km to the south west of Limerick City. The town is located off the N21, which is the main road to Tralee/Killarney. The town includes a range of shopping and commercial facilities as well as several schools, churches, a cinema and a number of housing estates. Ballywilliam Close is an unfinished estate, which is located approx. 1km to the south-east of the town centre and has been partially constructed within the last 10-15 years. It comprises 33 no. individual housing plots which are at various stages of completion. The site development for the estate, which were commenced in c.2004 include roads, watermains, foul and storm sewers and public lighting, most of which was completed over a decade ago.
- 2.2. The Ballywilliam Close estate is accessed off the R518 and is situated on the eastern side of the road. The character of the R518 leading southwards from the main street is one of a mix of one-off houses and small housing estates, interspersed by agricultural fields. The houses/plots within the estate are at various stages of completion, with the majority of plots containing a partly completed detached or semi-detached house. However, several plots contain only foundation slabs with/without some external walls (Nos. 1, 2, 5, 6, 20, 21, 22, 30) and no development has commenced on three sites (Nos. 11, 12 and 31). Please see Table No. 2 (Appendix 1) which includes a description of the state of completion of each house plot at the time of inspection.
- 2.3. The layout of the estate comprises a series of short cul-de-sacs with the entrance in the north-western corner, from which two internal access roads split off, one in an easterly direction and one on a southerly direction. The former provides access to a row of seven pairs of semi-detached plots/houses backing onto the northern boundary (Plots 1-14 inclusive), and facing onto the main open space area, with 14

no. detached houses fronting onto the green (Plots 15-28 inclusive). The southerly cul-de-sac runs parallel to the main road with a further 5 detached house plots fronting onto a narrow green strip adjoining the roadside boundary (Plots 29-33 inclusive).

- 2.4. In the vicinity of the estate, there is a row of single dwelling houses fronting the R518 immediately to the north of the site, which comprise unusually long plots, behind which is an agricultural field. A watercourse runs along part of the north-eastern and eastern boundary, beyond which is another agricultural field, and a further field adjoins the southern boundary. There is a row of one-off houses on the western side of the R518 facing the estate.
- 2.5. On the date of my site inspection, the estate was secure with notices on the front boundary. The entrance has been fitted with a metal agricultural type gate with a mesh grille and two pedestrian entrance gates have been fitted between the pillars on either side of the vehicular entrance. The roads have been laid out with a tarmacadam surface and some of the concrete paths have been renewed. However, for the most part, the concrete paths are in a poor state of repair and are cracked and broken in parts. The manholes were rusted and there was evidence of unfinished services with pipes, cables etc. within the front and rear garden areas. Landscaping works were being undertaken which involved moving soil/overburden from the central green space to the green spaces adjacent to the entrance, which were being laid out as landscaping strips.
- 2.6. From the roadside, the most visible plots are the row of Plots Numbered 29 to 33, each of which is partially complete apart from No. 31 (not commenced), and the row of semi-detached house plots (1-14), four pairs of which are partially complete (Nos. 3-4, 7-8, 9-10 and 13-14). Plots 1-2 and 3-4 contain just foundation slabs and Nos. 11-12 have not been commenced. Due to the design of the layout and the lack of completion of Plot No. 31 and the landscaping/boundary treatment, there are views available through the site of various other uncompleted houses.
- 2.7. The three vacant sites comprise rough ground which has been grassed over with some evidence of small amounts of building debris present and exposed elements of services. Some of the partially constructed houses have roofs and externally plastered walls but none of them have internally plastered walls, floors or ceilings

and there are no permanent windows or doors fitted. As a result, the majority of structures have been exposed to the elements for many years with widespread evidence of decay and deterioration of building fabric. The roof tiles, where present, were frequently broken with segments of the roof missing. Guttering, rainwater goods and downpipes were also missing. The garden areas are overgrown with weeds and in need of landscaping and maintenance, and no boundary treatment had been provided. There are trees growing inside several of the incomplete structures. There is a considerable amount of debris and various pieces of construction material scattered around the site.

- 2.8. Individual notices have been served in respect of each of the 33 house plots. Each of the properties is described in the notices as being “an unfinished residential development”. It is stated that each of the said properties and surrounding land is in a state of dereliction.

### **3.0 Application for Consent for Acquisition**

- 3.1. Limerick City and County Council has applied to the Board for consent to compulsorily acquire each of the 33 sites within the estate under section 14/16 of the Derelict Sites Act, 1990, as amended. I note that each of these applications is subsequent to the serving of notices in respect of each individual property under section 8(2), on 11<sup>th</sup> June 2020, (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 20<sup>th</sup> July 2020, (i.e. advising of the Local Authority’s decision to enter the site on the register of derelict sites). Each of the individual sites were then entered onto the Register of Derelict Sites and a Section 15 Notice was issued to the owner/occupiers/lessees in respect of each property on 20<sup>th</sup> October 2020.

### **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 compulsorily the sites numbered 1-33, inclusive, Ballywilliam Close was served on the owners/occupiers in a letter dated 20<sup>th</sup> October 2020 and was published in the

Limerick Post newspaper on the 31<sup>st</sup> October 2020. The sites were described in the Notices as set out in Table 1 below.

4.1.2. Table 1 – Information contained in Notices and name of respondent.

| <b>Derelict Sites Case Number</b> | <b>Location of land</b>  | <b>Description of Derelict Site</b>  | <b>Respondent</b> |
|-----------------------------------|--|--|-------------------|
| DS-048-20                         | 1 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | John Quilligan    |
| DS-049-20                         | 2 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Robin O'Donoghue  |
| DS-050020                         | 3 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land                                | Kathleen Hegarty  |

|           |  |  |                                       |
|-----------|--|--|---------------------------------------|
|           |  | are in a state of dereliction.   |                                       |
| DS-051-20 | 4 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | James Hegarty                         |
| DS-052-20 | 5 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Michael Nash                          |
| DS-053-20 | 6 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Denis Sheridan<br>& Breda<br>Sheridan |
| DS-054-20 | 7 Ballywilliam Close,<br>Ballywilliam North,                               | A derelict site comprising unfinished  | Michael Egan                          |



|           |   |  |                      |
|-----------|---|--|----------------------|
|           | Rathkeale, Co.<br>Limerick  | residential development. The said property and surrounding land are in a state of dereliction.                                       |                      |
| DS-055-20 | 8 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick  | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Thomas<br>Sheridan   |
| DS-056-20 | 9 Ballywilliam Close,<br>Ballywilliam North,<br>Rathkeale, Co.<br>Limerick  | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Patrick<br>Quilligan |
| DS-057-20 | 10 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land                                | James<br>O'Connor    |

|           |  |  |                 |
|-----------|--|--|-----------------|
|           |  | are in a state of dereliction.   |                 |
| DS-058-20 | 11 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | John Flynn      |
| DS-059-20 | 12 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Simon Quilligan |
| DS-060-20 | 13 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | James O'Connor  |
| DS-061-20 | 14 Ballywilliam Close, Ballywilliam                                | A derelict site comprising unfinished  | James O'Connor  |

|           |   |  |                      |
|-----------|---|--|----------------------|
|           | North, Rathkeale,<br>Co. Limerick   | residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction.  |                      |
| DS-062-20 | 15 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction. | Michael Flynn        |
| DS-063-20 | 16 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction. | Patrick Kealy        |
| DS-064-20 | 17 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land                                      | Philip<br>O'Donoghue |

|           |  |  |                     |
|-----------|--|--|---------------------|
|           |  | are in a state of dereliction.   |                     |
| DS-065-20 | 18 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Patrick Flynn       |
| DS-066-20 | 19 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Mary Connors        |
| DS-067-20 | 20 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | James A. O'Donoghue |
| DS-068-20 | 21 Ballywilliam Close, Ballywilliam                                | A derelict site comprising unfinished  | James A. O'Donoghue |

|           |   |  |                     |
|-----------|---|--|---------------------|
|           | North, Rathkeale,<br>Co. Limerick   | residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction.  |                     |
| DS-069-20 | 22 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction. | James<br>O'Donoghue |
| DS-070-20 | 23 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction. | Dan Sheridan        |
| DS-071-20 | 24 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land                                      | Danny<br>O'Donoghue |

|           |  |  |                    |
|-----------|--|--|--------------------|
|           |  | are in a state of dereliction.   |                    |
| DS-072-20 | 25 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Mikey O'Donoghue   |
| DS-073-20 | 26 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Patrick O'Donoghue |
| DS-074-20 | 27 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Dan O'Brien        |
| DS-075-20 | 28 Ballywilliam Close, Ballywilliam                                | A derelict site comprising unfinished  | Richard O'Brien    |

|           |   |  |                    |
|-----------|---|--|--------------------|
|           | North, Rathkeale,<br>Co. Limerick   | residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction.  |                    |
| DS-076-20 | 29 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction. | John Slattery      |
| DS-077-20 | 30 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land<br>are in a state of<br>dereliction. | Danny<br>McInerney |
| DS-078-20 | 31 Ballywilliam<br>Close, Ballywilliam<br>North, Rathkeale,<br>Co. Limerick | A derelict site<br>comprising<br>unfinished<br>residential<br>development. The<br>said property and<br>surrounding land                                      | Jim O'Brien        |

|           |  |  |                 |
|-----------|--|--|-----------------|
|           |  | are in a state of dereliction.   |                 |
| DS-079-20 | 32 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Robert O'Brien  |
| DS-080-20 | 33 Ballywilliam Close, Ballywilliam North, Rathkeale, Co. Limerick | A derelict site comprising unfinished residential development. The said property and surrounding land are in a state of dereliction. | Fred O'Donoghue |

4.1.3. Reference was also made to the individual map bearing the Derelict Site Case Number accompanying each Notice, whereby each of the said derelict sites is more particularly shown outlined in red on the said maps, in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act 1990.

4.1.4. 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**

4.2.1. Letters of objection to the proposed acquisition of each individual property were submitted to Limerick City and County Council by Hogan Dowling McNamara



Solicitors, on behalf of each of the respondents as set out in Table 1 above, dated 25<sup>th</sup> November 2020. Each of the objections contains common themes and similar points, as well as individual points relating to the specific site and/or circumstances of the particular notice party. The specific points have been set out in Table 2 below.

The points in common to all sites can be summarised as follows:

- The owner has a fundamental objection to the definition of the site as a “derelict site” but considers it to be “an unfinished house”, which does not meet the definition of a ‘Derelict Site’ under the Act.
- The Respondent has engaged contractors and has tidied up the site so that it is now presented in a clean and good state of repair and condition. Every time the Respondent was requested to tidy up the site, these works were complied with in full.
- The L.A. has been unco-operative and has refused to engage with the respondent. Upon receipt of the Notice on 20/10/20 a meeting was requested to discuss solutions, but this was refused by the L.A. A builder (Michael Quilligan) was engaged in 2011 to carry out construction works but was informed by an Enforcement Officer of the L.A. that the works could not be completed without an extension of time on the planning permission.
- The Respondent was not aware that he/she was entitled to complete the development until professional advice was obtained from an architect and a planning consultant. Prior to this, the Respondent was advised by the L.A. that permission would not be granted for an extension of time, that no services would be connected to the site and that any funds spent on development of the site would be wasted. This is the reason for the delay in completing the development.
- The Respondent has engaged the services of an architect to submit a planning application to extend time for the completion of the previously granted planning permission. The Respondent fully intends to complete the development in order to provide for the housing needs of his/her family. It is submitted that the Respondent should be permitted to complete the development and to engage with the L.A. though his/her

representatives/advisors in order to obtain the appropriate planning permission and connection of services.

- It is submitted that the service of notices during the pandemic and at a time when many of the owners of houses within the estate are known by the Council to be abroad is not conducive to constructive engagement, particularly in the absence of engagement by the Council.

#### 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 each of the derelict sites numbered 1-33 inclusive, Ballywilliam Close, Rathkeale. The 33 no. applications for consent were submitted on 17<sup>th</sup> December 2020 and were accompanied by the following:

- Local Authority Compulsory Acquisition Report for each site which sets out the planning 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 and a map of the site area.
- Copy of the Section 15 Notice served on the owners/occupiers of the site, dated 20<sup>th</sup> October 2020.
- Copy of the newspaper notice, dated 31<sup>st</sup> October 2020.
- A letter of objection from each of the Respondents relating to the particular site the subject of the notice dated 25.11.20, together with the acknowledged response.
- Photographs of each property dating from 2013 and 2020.

4.3.2. The planning authority's Derelict Site Report is similarly worded for each of the 33 no. cases, but also includes specific information regarding each individual site. For the sake of brevity, I have summarised the main points that are in common contained in the various Derelict Site Reports below and have included the specific comments regarding each individual property in Table 2.

4.3.3. **Costs** - The P.A. has also sought that the Board would view the case favourably in terms of costings, in that the site would be considered as one site in respect of costs, and there are 33 individual houses incorporated within the site.

4.3.4. The main elements of the **Derelict Site Reports** 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 area 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. Owners of sites are provided with advice in relation to schemes such as Buy & Renew, Lease & Repair and the Council's own Retail and Business Incentive Scheme.
- The P.A. takes relevant matters into account when making its decision to compulsorily acquire a particular site such as any outstanding planning permissions, evidence of efforts to address vacancy and dereliction, and the security and safety to the public and the condition of the site. In addition, matters such as the conservation value of the site and requirements for remedial restoration works are considered as well as the feasibility of various actions to make good the site, and to find viable uses for it. Staff seek to support owners in order to remove the properties from the Derelict Sites Register, but where all reasonable alternatives have been exhausted, it is stated that the option to compulsorily acquire the site will be considered.
- Ballywilliam Close is located at the south-eastern end of Rathkeale. It comprises a housing estate of 33 no. plots which is an unfinished state, with each house plot at various stages of completion. It is zoned Existing Residential in the Rathkeale Local Area Plan 2021-2022. Planning permission was initially granted in July 2004 for the construction of 28 houses, but this expired on 14<sup>th</sup> July 2009. In April 2005, a further planning permission was granted for the construction of 33 two-storey houses with domestic garages, (10 five bedroom detached dwellings, 9 four-bedroom detached dwellings, 14 three-bedroomed semi-detached dwellings), a site entrance and all ancillary works. This permission expired on 24/04/2010. Following two extensions of

duration of permission, the planning permission for the estate expired in October 2012. It is stated that there were three separate enforcement cases undertaken by the P.A. in respect of the housing estate.

- The estate does not fall within the definition of an Unfinished Housing Estate under the Dept. of Housing, Local Government & Heritage criteria, as there are no residents living on the estate. The P.A. has received a large number of complaints regarding this development from a wide variety of sources including members of the public, Rathkeale Community Council and Elected Representatives, and it has attracted considerable negative media attention due to the unfinished and derelict nature of the site. The issues have been ongoing since 2004 and it has been considered derelict since 2013. Photographs of the derelict nature of the site in 2013 are attached. A Derelict Site Case was opened in April 2018 in respect of each of the 33 plots within the estate.
- The approach at the outset was to try to resolve the issue of completing the development through meaningful discussions with the owners. The Derelict Sites Team had numerous meetings with representatives of the owners of the sites. The efforts of the P.A. are summarised as follows: -

February 2019 – LCCC met with representatives of some of the owners to discuss completion of the development. Arising from this, a request was made for the D.S. Team to liaise with the Housing Development Directorate, with a view to ascertaining whether the council would take the houses on a long-term lease, should the estate be completed. Agreement in principle was reached on this matter subject to the houses being completed to the standard required and to an agreeable rent.

May 2019 – The D.S. Team met with the representatives of the owners to progress the matter further.

July 2019 – LCCC received confirmation from the owners that they would not be pursuing the leasing option further.

Following this there was no further engagement from the owners and no works were carried out to the site during this period. All the properties in Ballywilliam Close remained in a derelict condition as per Section 3 of Derelict Sites Act.

- In summary, the site has a very unsightly appearance, which detracts from the character of the neighbourhood. The 33 individual sites are comprised within various stages of construction. There are no live services (electricity, mains water or sewerage in/out) for this site. The development has never been handed over to the Local Authority to take charge of the public areas for the purposes of ongoing maintenance. In its current state, it does not meet the standards required for the L.A. to take charge of the estate. No conditions survey of CCTV survey of the underground services has taken place and the council is concerned that the services may be compromised given the period that has passed. Notwithstanding this, there are no existing connections to any of the properties in the estate.
- The Local Authority decided to issue a Section 8(2) notice on 11<sup>th</sup> June 2020 of its intention to enter each of the individual properties onto the Register of Derelict Sites (affixed to the site) and a Section 8(7) notice on 20<sup>th</sup> July 2020 to advise that it had entered each of them onto the register. In the absence of any progress to resolve the derelict condition of the site, Notices in respect of each property under Section 15(1) (a) of the intention to acquire the site compulsorily under the Derelict Sites Act 1990 were issued on 20<sup>th</sup> October 2020. The L.A. received minimum engagement from the respective owners following the serving of the Section 8(2) and Section 8(7) notices. However, following the serving of the S15 notices, some remedial works were undertaken on the site. Some owners have also indicated that they plan to lodge individual planning applications. There is no overall comprehensive plan for the development of the site, however, and the site remains derelict. The local authority considers that the actions that have been taken since the serving to the Section 15 notices is to shield the owners from the compulsory acquisition process.
- Objections to each of these notices have been submitted from Hogan Dowling McNamara Solicitors on behalf of the individual Respondents on 25<sup>th</sup> November 2020. The main elements of these objections have been summarised in 4.2 above, with a summary of the property specific observations in Table 2.

#### 4.4. Objector's Submission to Board

Submissions were made to the Board by Michael Barker & Company Chartered Architects (dated 26<sup>th</sup> January 2021) on behalf of each of the Respondents in response to the Section 15 Notices issued in respect of the 33 no. applications for Compulsory Acquisition of the individual plots within the Ballywilliam Close estate. Photographs taken in January 2021 were also included. The submissions related to each one of the 33 properties and contained many points in common as well as specific points in relation to each individual property. The points in common may be summarised as follows: -

- **Not a Derelict Site** – It is reiterated that none of the individual plots represent a Derelict Site. It is accepted that the plots and the housing estate are unfinished, but it is contended that neither the plot nor the estate can be described as derelict. Any refuse, debris or litter that may have been on the site has been removed. The site is no longer (if it ever was) derelict and the justification for compulsory acquisition do not arise.
- **The dereliction charge is specific to each site** – as such, each individual property owner cannot be taken to task for conditions elsewhere on the estate, which principle applies to all properties.
- **No measures required under S11** – The L.A. in referring to notices served under the Derelict Sites Act 1990 does not refer to any measures or works under Section 11 of the Act, which had they been required to have been carried out, would have constituted exempted development.
- **Advice that works would be illegal** – when works were carried out, such as replacement of windows and doors that had been vandalised, the owners were advised by agents of the council that such works were illegal. It is acknowledged that this may be hearsay, but was widely believed in the community. Furthermore, the serving of notices during the summer when it was well known that many respondents would have been abroad was unhelpful in finding a resolution.
- **Site Development Works** – the site development works for the entire estate comprise roads, footpaths, public lighting, green areas, sewers and

underground services. These are virtually complete, and the road network has received a final coat of tarmac. Although some damage was caused to the footpaths and kerbing in the past, this is readily repairable at a relatively small cost. All ducting for the ESB installation is present and the public lighting has been installed. The watermain, storm and foul services have been constructed within the site, are fully complete and only need final commissioning. This is an important issue, and the support of the Local Authority is needed to ensure the satisfactory connection of the foul sewers and the watermain. At present the estate is untidy and unfinished, but it cannot be considered derelict.

- **Individual House Plots (33)** – the various house plots are at differing stages of completion and were developed on an individual basis. There is no overall plan to complete the houses by a single contractor and it could take several years before all the houses are finished. The agent, Mr. Barker, is aware of 20 owners who intend to commence work immediately to complete their houses. This is dependent on the position regarding (a) the Compulsory Acquisition, (b) the completion and commissioning of site services (which will require the support and good-will of the local authority) and (c) planning permission.
- **Need for planning permission** – the owners planning consultant considers that planning permission will be required for up to 13 houses that have either not started (vacant sites) or are at a stage that cannot be considered as practically complete. These plots are Nos. 1, 2, 5, 6, 20, 21, 22, 30, and possibly No. 4 and No. 32 which are partially complete and Nos. 11, 12 and 31 which have not commenced. It is submitted that the remaining 20 houses are practically complete and do not need planning permission.
- **Individual owners have come together as a group** – since the CPO notices, the owners have arranged and carried out the following work in respect of the estate –
  - a) **Clean site** - The site has been tidied up and there is no evidence of dumping, rubbish or litter.

- b) Security** – gates have been erected at the entrance to prevent dumping and access to the site by unauthorised persons, and hence prevent vandalization of properties.
- c) Funds for site works** – the group has lodged substantial funds (in excess of €100,000) at the offices of the HDM Solicitors, which funds are to be used for the purpose of completing the site works.
- d) Engagement of professional advisers** – A professional team has been retained to complete and commission the site development works. This includes an Engineer (Thomas Garland Consulting engineers), an Architect (Michael Barker) and a building contractor (John Foster)
- e) Set up a Management Company** – The owners have arranged with an accountant to set up a Management Company to manage both the estate in the future and to oversee the commissioning of the site development works as planned. The Architect and engineer will oversee the works until the management company is in operation.
- **Precedent**– the Board has recently refused a CPO of a derelict site in Adare (ABP.306558-20), Co. Limerick. In this case the board had agreed that the derelict sites criteria had been met but had accepted that the efforts of the owners to bring the premises back into use were adequate to address the dereliction. It is submitted that the current case before the Board is comparable and that the owners have gone to even greater lengths to protect their properties.
  - **Main reasons for lack of progress to date** – The lack of progress on the individual plots is due to the fragmented approach of the individual owners and their inability to obtain clarity on the services due to their failure to appoint a professional team to complete and commission the site services. Furthermore, the recent uncertainty regarding the status of the houses following the compulsory acquisition attempt, has focussed the minds of the majority of the owners who intend to recommence work as soon as the compulsory purchase process has been put aside and the services have been commissioned. Once this happens, individual owners will no longer be dependent on the support of the entire group to complete their own house.



The Management company will ensure that all plots will be maintained in a tidy state until complete.

No further correspondence has been submitted.

## 5.0 Planning History

### 5.1. Application Site

- 5.1.1. **04/3300** – planning permission granted to Michael Hogan in April 2005 for the construction of 33 no. 2-storey dwelling houses with domestic garages (10 five-bedroom detached, 9 four-bedroom detached, 14 three-bedroom semi-detached) site entrance and all associated site works subject to 27 conditions.
- 5.1.2. **10/7015** – permission granted for application to extend duration of permission under 04/3300 until 26<sup>th</sup> October 2011.
- 5.1.3. **11/7102** – permission granted for application to extend duration of permission under 04/3300 until 26<sup>th</sup> October 2012.
- 5.1.4. Prior to this, the Planning Authority reports indicated that planning permission had been granted for the construction of 28 two-storey dwelling units with domestic garages and a site entrance at this location in July 2004, and that this permission had expired on 14<sup>th</sup> July 2009. No further details have been provided.
- 5.1.5. I am not aware of any further relevant planning history on the site.

### 5.2. Surrounding Area

- 5.2.1. I am not aware of any 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 County Development Plan 2010 – 2016 (as extended and varied). Chapter 3 of the Plan sets out the settlement strategy. Rathkeale is designated as a Tier 3 - Town Centres on Transport Corridors in the Settlement Strategy for County Limerick (Settlement Hierarchy, 3.1). The

overall strategy is to encourage development to locate within the development envelope of towns and villages. Relevant policies include **SSP2** which seeks to support sustainable development of the settlements in Tiers 2-6 and **SSP3** which states that it is the policy of the Council to be pro-active in acquiring land and providing services and sites within small towns and villages as a means of stimulating a shift towards development within these areas.

- 6.1.2. **Objective SSP8** seeks to encourage and facilitate sustainable, balanced development and for Tier 3 towns to act as a primary focus for investment in infrastructure, housing, transport, employment, education, shopping, health facilities and community. Other relevant policies and objectives include: -

**Policy SSP2** – to support the sustainable development of settlements within tiers 2-6

**Obj. SS01** – scale of such development should be in proportion to pattern and grain of existing development.

**Obj. SS02** – Design, layout and character of new development shall relate to the local character and heritage of existing towns and villages and shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness in the settlement.

- 6.1.3. Section **10.5.5** sets out the **Development Management Guidelines for Residential Infill Development in Urban Areas, Towns and Villages** – such development is particularly encouraged by the L.A., especially on small gap sites, unused or derelict lands and backland areas.

- 6.1.4. Chapter 4 sets out the policies and objectives relating to housing. Section 4.8 relates to Regeneration of Vacant and Derelict Sites. Relevant objectives are as follows:

**HOU O17** – to use its powers under the Derelict Sites Act to acquire and secure the redevelopment of derelict sites.

**HOU O18** – to promote the re-utilisation of suitable redundant or obsolete structures in appropriate cases.

**Policy HOU P3** and **HOU P6 (a)** seek to promote high quality living environments in new and existing residential areas in the interest of quality of life and sustainable communities, and which has regard to the pattern and grain of existing development.

## 6.2. Rathkeale Local Area Plan 2012 - 2018 (as extended) –

Rathkeale is a Tier 3 town, and these towns are generally located on major transport corridors and are promoted as secondary development centres for significant future development. However, no significant development has taken place within the town since the adoption of the LAP and the Chief Executive has extended the life of the LAP to 2022.

The site is zoned **Existing Residential**, the objective for which is “To ensure that new development is compatible with adjacent uses and protect the amenity of existing residential areas.”

Section 10.2 – Derelict and Vacant Sites – it is stated that there are 11 buildings/sites in Rathkeale Town on the Derelicts Sites Register, including the site at Ballywilliam. It is stated that the Council will fully enact its powers under the Derelict Sites Act and process all derelict sites expeditiously.

## 6.3. Derelict Sites Act 1990 (as amended)

6.3.1. 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 landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.3.2. 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.”

- 6.3.3. 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. I carried out my site inspection from the public road and from the estate roads, as well as from within the individual plots within the estate. Internal access to the various plots and houses was also possible on the date of my site inspection.
- 7.1.1. The housing estate is vacant and has a neglected, unsightly and objectionable appearance from the public road and the surrounding residential area. This is due to the fact that the houses are unfinished. I have set out the state of completion, current condition and specific reason for objection in respect of each of the house plots in **Table 2** which is attached to this report as **Appendix 1**.

## 7.2. Condition of the Estate

7.2.1. The Board will note from the contents of Table 2 and from the photographs of my site inspection (19/03/21) that the current condition of both the individual plots and the entire estate is one that can be described as unfinished, neglected and unsightly. The elements that contribute to the objectionable appearance of the estate include the following:

- External walls not rendered and exposed to the elements
- Absence of windows and doors/broken windows
- Absence of rainwater goods, barge boards and soffits
- Missing roof tiles on main roofs and porches/garages etc.
- Vegetation, damp patches and weeds growing within structures and out of gutters
- Internal spaces unplastered, no ceilings, floors and open to the elements
- Gardens and sites overgrown with weeds and vegetation with builder's debris and rubble strewn across sites, and unfinished service pipes/cables etc. exposed within gardens.
- Absence of boundary treatment and landscaping within the estate. No landscaped public or communal open space and no street trees planted.
- Cracked and broken footpaths, rusted manholes, weeds and debris along estate roads and communal areas.

7.2.2. It is considered that the unfinished condition of the individual plots which have deteriorated through neglect and exposure to the elements over the past decade has resulted in an overall impression of neglect and dereliction. In addition, the failure to provide boundary treatment and planting or to complete the communal spaces and infrastructure to the required standard with appropriate landscaping, results in an open character with large gaps which contributes to open vistas characterised by neglect and unsightliness through the estate. Thus, the combined effect is one of a sense of general dereliction, which is highly visible from the public road and adjoining properties. It is noted that the general condition and level of maintenance of the properties on the opposite side of the public road and on the adjoining lands to

the north is of a high standard. These properties appear to be occupied and attractively landscaped. It is considered, therefore, that the Ballywilliam Close estate detracts to a material degree from the amenity, character and appearance of the surrounding area.

7.2.3. It is acknowledged that the individual house plot owners have recently come together and have collectively tidied up the lands. It can be seen by comparing the photographs on the file from 2013 and 2020 with the more recent photographs submitted with the objection from Michael Barker on 26<sup>th</sup> January 2021, and from my site inspection, that a considerable effort has been made to clear the site of debris, rubbish, litter and overgrown vegetation. At the time of my inspection, I noted that there were building contractors on site who were moving topsoil and overburden from the public open space area and using it to landscape some of the communal green spaces. Notwithstanding these efforts to remove elements of the dereliction, it is considered that they are insufficient to adequately address the dereliction of the estate. I will now address each of the plots in turn

### 7.3. Individual house plots

7.3.1. In order to assess each house plot regarding the proposed compulsorily acquisition, I will discuss the plots individually. Please refer to Table 2 (Appendix 1) for a comprehensive description of the current condition of each house plot.

#### 7.3.2. **Plots 1 and 2 (ABP Ref. 308952-20, 308954-20)**

These two semi-detached plots are at foundation level. Although they have been tidied up, they are still overgrown with vegetation and some debris present and the blockwork has been exposed to the elements for many years. They are just inside the entrance to the estate and a low stone wall separates them from the public road. They are highly visible from the public road and the adjoining residential properties to the north. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 1 and Plot 2 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.3. Plots 3 and 4 (ABP Ref. 308962-20, 308963-20)**

These two semi-detached plots are in a partially completed state with the roof in place for No. 3 and partially completed for No. 4. Although they have been tidied up with vegetation and debris removed, they are still in an untidy and neglected condition. Several roof tiles are missing with the rafters exposed at No. 4. The absence of windows and doors and issues such as missing rainwater goods, barge boards and soffits at each of these plots all contribute to the exposure to the elements which have led to the decay of the structures over time. The overall appearance is one of neglect. These two part-built houses are particularly exposed visually as they are bounded on either side by plots at foundation level, directly adjoin occupied residential properties to the north and are visible from the public road. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 3 and Plot 4 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.4. Plots 5 and 6 (ABP Ref. 308964-20, 308970)**

These two semi-detached plots are at foundation level. Although they have been tidied up, they are still overgrown with vegetation and some debris present and the blockwork has been exposed to the elements for many years. They are immediately adjacent to the occupied residential properties to the north and highly visible from there. They are also not far from the entrance to the estate and are visible from the public road. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 5 and Plot 6 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.5. Plots 7 and 8 (ABP Ref. 308971-20, 308972-20)**

These two semi-detached plots are partially complete and constructed to roof level. They have external plasterwork, brickwork, rainwater goods, soffits and barge boards, but these items are incomplete with parts missing including downpipes and vegetation growing out of the gutters. The absence of several windows and doors, missing roof tiles, exposed steel structures to the bay windows and missing downpipes have all contributed to their exposure to the elements and hence the

decay of the buildings over time. The broken windows and cages attached to the bay windows detract from the appearance of these two houses, as does the overgrown nature of the site and presence of debris and the lack of boundary treatment. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 7 and Plot 8 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.6. Plots 9 and 10 (ABP Ref. 308975-20, 308976-20)**

These two semi-detached plots are partially complete and constructed to roof level. No. 9 has external plasterwork and brickwork, rainwater goods, soffits and barge boards, but these items are incomplete with parts missing (including downpipes) and vegetation growing out of the gutters. No. 10 has exposed blockwork with no soffits or RWGs. The front porches have no/missing tiles and no RWGs. The absence of windows and doors, missing roof tiles, exposed steel structures to the bay windows and missing downpipes have all contributed to their exposure to the elements and hence the decay of the buildings over time. The combination of lack of windows and doors, unfinished plasterwork and porches detract from the appearance of these two houses, as does the overgrown nature of the site, presence of debris and the lack of boundary treatment. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 9 and Plot 10 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.7. Plots 11 and 12 (ABP Ref. 308968-20, 308969-20)**

These two semi-detached plots are vacant. They are overgrown with weeds and vegetation and there is some builder's debris scattered around the site including concrete blocks. They have a neglected appearance. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 11 and Plot 12 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).



**7.3.8. Plots 13 and 14 (ABP Ref. 308973-20, 308976-20)**

These two semi-detached plots are partially complete and constructed to roof level. They have external plasterwork, brickwork, soffits and barge boards, but no gutters or downpipes. Windows are either missing or broken and there are no doors. The absence of windows and doors, missing roof tiles, unfinished plaster and brick work and missing gutters/downpipes have all contributed to their exposure to the elements and hence the decay of the buildings over time. The broken windows, damp patches and vegetation growing inside these properties detract from their appearance, as does the overgrown nature of the site and presence of debris (including a large cage in the front garden of No. 14), and the lack of boundary treatment all combine to create a sense of neglect and dilapidation. It is considered that they detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, both Plot 13 and Plot 14 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.9. Plots 15 to 19 inclusive (ABP Ref. 308977-20, 308978-20, 308986-20, 308987-20, 308988-20)**

This row of five detached houses is all constructed to roof level and are externally plastered with brickwork and stone cladding in place. The soffits, bargeboard and much of the guttering is also in place but downpipes are missing. They overlook the public open space to the west and back onto the eastern boundary.

Plot 15 – the barge boards, soffits and rainwater goods are present but incomplete or damaged with vegetation growing out of them. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 15 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 16 – the fascias and soffits are in place, but the rainwater goods are damaged or missing, with no downpipes. The absence of windows, doors and RWGs and

unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 16 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 17 – the fascias, soffits and rainwater goods are largely intact, but the gutters and downpipes are damaged or missing at roof level and on the roof of the front porch. There is a considerable amount of builder's rubble and debris in the front garden. There are large damp patches/streaks on the front elevation. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, the presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 17 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 18 – the barge boards, soffits and rainwater goods (apart from downpipes) are present at roof level but are seriously damaged or missing on the front porch. There are missing roof tiles with exposed rafters and unfinished plasterwork. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 18 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 19 – the barge boards, soffits and rainwater goods (apart from downpipes) are present at roof level but are seriously damaged or missing on the front porch. There are missing roof tiles with exposed rafters and unfinished plasterwork. Cages have

been attached to the front and rear windows and there is building debris in the front garden. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 19 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.10. Plots 20-24 (ABP Ref. 308989-20, 308990-20, 308991-20)**

This row of five house plots contains unfinished and partially completed houses. Plots 20-22 are a group of three house plots containing houses at wall plate level, with no roofs, windows or doors and are unplastered. They are located in the south-eastern corner of the site and back onto the southern boundary. The remainder of the row contains two partially complete houses, Plots 23 and 24. The row overlooks the POS to the north.

Plot 20, Plot 21, Plot 22 - Each of these three structures is completely open to the elements and has vegetation growing inside. There are no window cills or lintels and the corners of the building comprise unsealed interlocking block work with large gaps open to the elements. The internal floors are covered with overgrown vegetation. The absence of a roof, windows, doors, plasterwork etc. has contributed to exposure to the elements and hence the decay of the structure over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation at these three sites. It is considered that each of these properties detract to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 20, Plot 21 and Plot 22 are considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 23 – the barge boards, soffits and rainwater goods are present at roof level but there are no downpipes. There are missing roof tiles on the porch and unfinished plasterwork. There is building debris in the front garden and scattered around the site. The absence of windows, doors and RWGs and unfinished plasterwork has

contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 23 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 24 - the barge boards, soffits and rainwater goods (apart from downpipes) are present at roof level. Roof tiles are missing, and a hole is evident in the roof. There are damaged roof tiles on the porch, no flashing and unfinished plasterwork. The external render shows signs of significant damp. There is building debris in the front garden and scattered around the site. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 24 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

#### 7.3.11. **Plots 25 to 28 (ABP Ref. 309000-20, 309001-20, 309004-20, 309006-20)**

This row of four detached houses fronts onto the POS on its western side and are visible through the gaps in the front row of houses from the public road. They are partially completed with roofs and blockwork in place and are externally plastered.

Plot 25 - the soffits and fascias are in place but there are no barge boards, gutters or downpipes. However, the gutters have vegetation growing out of them and the front porch has no flashing and damaged tiles. There is debris and rubble with exposed cables in the front garden along with pipes and unfinished servicing. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity,

character and appearance of the surrounding area. For this reason, Plot 25 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 26 - the soffits, fascias and barge boards are in place but there are no gutters or downpipes. The front porch has no flashing and damaged tiles. There are tiles missing from the main roof and the roof seam is exposed. There is a broken window cill at the front. There is debris and rubble with exposed cables in the front garden. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 26 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 27 - the soffits, fascias and barge boards are in place with some gutters but no downpipes. However, the gutters have vegetation growing out of them and the front porch has no flashing and damaged tiles. There is debris and rubble with exposed cables in the front garden. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 27 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 28 - the soffits, fascias and barge boards are in place but there are no or downpipes. However, the gutters have vegetation growing out of them and the front porch has no flashing and damaged tiles. There are tiles missing from the main roof and the roof seam is exposed. The external plaster is damp and peeling in places. There is debris and rubble with exposed cables in the front garden. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors,

together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 28 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

**7.3.12. Plots 29-33 (ABP Ref. 309007-20, 309008-20, 309012-20, 309015-20, 309016-20)**

This row of five house plots is at the front of the site facing the public road. The row is comprised of a mixture of partially completed, unfinished and vacant sites. They are separated from the public road by a narrow green space, the cul-de-sac road and parking spaces.

Plot 29 – this house is partially complete with a roof and block work in place and is externally rendered with brickwork. There are no windows or doors, and the windows are fitted with cages. The fascias, soffits and barge boards are in place and there is vegetation in the gutters and no downpipes. There are roof tiles and ridge tiles missing from the garage. There is rubble and debris in the garden which is overgrown with weeds and vegetation. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 29 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 30 – this is an unfinished house with blockwork to wall plate level at ground floor, with no first floor or roof and is completely open to the elements. There are no window cills or lintels. There is rubble, debris and rocks present in the front garden and around the site. The absence of a roof, windows, doors, plasterwork etc. has contributed to exposure to the elements and hence the decay of the structure over time. These factors, together with the overgrown nature of the garden, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation at this site. It is considered that this property detracts to a material

degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 30 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 31 - This detached plot is vacant. It is overgrown with weeds and vegetation and there is some builder's debris scattered around the site including some rocks. There is a disused concrete tank in the middle of the site. It has a neglected appearance and is highly visible from the public road. It also provides views through to the partially complete houses to the rear. It is considered that it detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 31 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 32 – this is an unfinished house with blockwork to wall plate level at first floor level with no roof and is completely open to the elements. The rafters have been constructed but are uncovered. There are no window cills or lintels. There is rubble, debris and rocks present in the front garden and around the site. The absence of a roof, windows, doors, plasterwork etc. has contributed to exposure to the elements and hence the decay of the structure over time. These factors, together with the overgrown nature of the garden, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation at this site. It is considered that this property detracts to a material degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 32 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

Plot 33 – this house is partially complete with a roof and block work in place and is externally rendered with brickwork. There are no windows and doors. The fascias, soffits and barge boards are in place but there are no gutters or downpipes. There are roof tiles missing from the garage and the front porch, which is also missing the flashing. There is rubble and debris in the garden which is overgrown with weeds and vegetation. The absence of windows, doors and RWGs and unfinished plasterwork has contributed to exposure to the elements and hence the decay of the building over time. These factors, together with the overgrown nature of the gardens, presence of debris and lack of boundary treatment, combine to create a sense of neglect and dilapidation. It is considered that the property detracts to a material

degree from the amenity, character and appearance of the surrounding area. For this reason, Plot 33 is considered to fall within the definition of a derelict site as set out in Section 3 of the Derelict Sites Act 1990 (as amended).

#### **7.4. Overall conclusions**

- 7.4.1. The site is situated in a prominent location on the R518 in an established residential area. The residential properties in the general vicinity of the site have been attractively landscaped and are generally in good condition and well maintained. The Ballywilliam Close estate is in an unfinished state with individual properties at various stages of completion, but none of which have been finished. The communal areas and entrance to the estate is also unfinished and although roads and footpaths have been put in place, there are generally in poor condition. The absence of landscaping, screen walls etc. means that there is a high level of visibility through the estate from the external properties and public road. The estate, therefore, has an unsightly appearance with individual properties in an unfinished condition and a poor state of repair, and a public realm which is uncared for and incomplete. Having regard to the foregoing, I therefore consider that the housing estate site detracts to a material degree from the amenity, character and appearance of the surrounding residential area and of the town.
- 7.4.2. The individual plots are at various stages of construction with no overall comprehensive plan to complete the dwellings or the estate. Each of the plots is overgrown with weeds and many have self-seeded trees and bushes growing within the houses, with builder's rubble and materials evident on many sites. Several plots also have cables and wires exposed within the garden areas. The dwellings that are partially constructed are generally exposed to the elements with a range of issues including an absence of windows and doors, missing roofs and tiles, incomplete or damaged rainwater goods, exposed steel supports and rafters, un-plastered walls, unfinished brickwork and damp patches. It is considered that these factors, together with the absence of screen walls, driveways, landscaping etc. are matters of concern.
- 7.4.3. Having regard to the above, and to the detailed assessment of each plot at section 7.3 above, together with the information contained in Table 2 (Appendix 1), I would consider that the overall site and each of the individual plots fall within category (b) of



section 3 of the Derelict Sites Act, 1990 due to the land and structures being in a neglected, unsightly and objectionable condition.

- 7.4.4. 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 many of the structures are in a dangerous condition, and that could be considered ruinous, as several houses have no roofs and many more have internal spaces which have been exposed to the elements for many years. Furthermore, the interiors of the partially constructed structures are not secure with no or stairwells floors in place yet are accessible to the public and many of the external walls consist of exposed blockwork. Thus, apart from those at slab level (Plots 1, 2, 5 and 6) and those that have not commenced (Plots 11, 12, and 31), the remainder are considered to fall within category (a). There was a considerable amount of building debris within the application site together with evidence of waste materials being stored externally. It is considered, therefore, that the site also falls within category (c) of section 3 of the Derelict Sites Act.
- 7.4.5. In conclusion, I consider that the site and each of the individual properties demonstrably detract 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.
- 7.4.6. I note the actions of the Local Authority and the statutory notices served on the owners in respect of each building plot. Section 8(2) notices were served on the individual owners on 11<sup>th</sup> June 2020, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served on 20<sup>th</sup> July 2020, advising the owners that the site had been entered on the Derelict Sites Register. Finally, section 15(10)(a) notices were served on 20<sup>th</sup> October 2020 and published in the Limerick Post Newspaper on the 31<sup>st</sup> of October 2020 regarding the Local Authority's intention to acquire each of the 33 sites compulsorily. It is further noted that the local authority has stated that it engaged in negotiations with the representatives of the owners with a view to the houses being made available on a long lease once completed but that the Notice Parties informed the local authority that they no longer wished to pursue that option. The L.A. has identified concerns regarding the overall estate including the following matters: -

- **Services are inadequate and incomplete** – It is acknowledged that services have been put in place including roads, footpaths, public lighting and some underground services. However, there are no live services, and no property has the benefit of a connection to the services. There is concern that with the passage of time that the underground services have deteriorated and may be unfit for purpose. In the absence of a CCTV survey and other tests, there is little confidence that the services that have been put in place may be compromised and therefore of an inadequate quality to serve the development. They have not been completed to the standards required for taking in charge and connection to public networks.
- **Lack of a comprehensive plan to complete the estate** – notwithstanding the engagement initially by the representatives of the owners, and the carrying out of certain works to clear the site of litter and debris and general tidying up with some landscaping works, the site remains in a derelict and unfinished state. As such, the L.A. is of the view that no real progress has been made and that there is no overall comprehensive plan to complete the estate.
- **Fragmented ownership and variability in states of completion** – The 33 sites are owned by a considerable number of individual landowners, some of whom have indicated an intention to apply for planning permission to complete their properties. Although some owners have taken remedial action since the issuing of the S15 Notices, many have not taken any further action. The L.A. considers that the objections received are intended to shield the landowners from the compulsory acquisition process.

7.4.7. I note the objections made on behalf of the owners to the local authority on the 25<sup>th</sup> of November 2020 and on the 26<sup>th</sup> January 2021 to the Board to the proposed acquisition of the site, stating that the site is ‘unfinished’ and not ‘derelict’. It is stated that only 13 of the house plots require planning permission and that the individual owners of these plots intend to apply for planning permission in respect of those properties that have not yet commenced or are partially complete. It is stated that the landowners of the houses that are substantially complete are prepared to complete the outstanding works. All of the proposed works are dependent upon the L.A. setting aside the CPO and undertaking to complete the services for the estate.

- 7.4.8. The objection relates to the designation of the site as derelict, ruinous and dangerous and claims that it is neither unsightly nor objectionable and that there is no litter or debris stored within the site. It is acknowledged that there is no overall plan by a single contractor to complete the houses and that it could take several years to do so. It was advised that since the Section 15 Notices were issued, the owners have come together as a group with the purpose of tidying up the site, removing the debris and litter and making it secure from vandalism. They have lodged funds of up to €100,000 with the solicitor acting for the Representatives (collectively), have engaged the services of professionals (Architect, Engineer and Planning Consultant) and have set up a management company. Thus far, they have undertaken works to tidy up the site and make it more secure. It is submitted that these works and efforts have addressed any dereliction. It is further claimed that the efforts to date are comparable to those carried out by the landowner in respect of the thatched cottage in Adare (306558) where the Board refused to confirm the CPO on these grounds. It is further submitted that the dereliction charge, which could only relate to debris/litter on the site which has since been removed, is specific to each site and individual owners cannot therefore be taken to task for conditions elsewhere on the estate.
- 7.4.9. Having inspected the site, I am of the opinion that there is no evidence of any attempt to render the site non-derelict and that each of the plots/houses and the overall estate remain in a neglected and unsightly condition, which is in a ruinous and dangerous state, with the elements of building materials and rubble evident on the site. I therefore consider that the site remains in a derelict condition. It is acknowledged that efforts have been made to clean up the site, but these are not considered to be sufficient to address the dereliction. The fragmented and disparate ownership of the site makes it very difficult to see how progress could be made without a single contractor taking over responsibility for completing the necessary works.
- 7.4.10. I do not agree that the outstanding works can be completed without a new planning permission for the overall estate. The development at present is unfinished and the planning permission for the estate has withered, and as such, it is in breach of this permission. I note that there have been a number of individual planning applications for the construction/completion of individual houses, which have not yet been

determined by the P.A. I do not wish to comment on these individual planning applications. However, the individual plots within the estate are not equivalent to a greenfield site as they form part of an unfinished housing estate for which there is no current planning permission. I therefore believe that, regardless of the outcome of these current planning applications, there is a need for a new planning application for the entire estate which should comprehensively address the issues of the incomplete services and well as the proposals for the completion of the individual plots. Any other solution would be likely to be piecemeal and would be unlikely to be successful at addressing the dereliction. I would point out that the site referenced by the Objectors in Adare (306558) related to a single house with a single landowner, and that planning permission had been secured for the works required to address the dereliction. Thus, it is not comparable to the current case.

7.4.11. The objectors have emphasised the need for the L.A. to facilitate the completion of the development by taking responsibility for the completion of the services and common amenity areas. The local authority does not appear to be in favour of this as the adequacy of the services installed to date is in question, amongst other reasons. In my view, even if the L.A. was to complete the services and communal areas, there would be no guarantee that all or even a majority of the house plots would be developed, due to the fragmented ownership, and the dereliction is therefore likely to remain a problem within the estate.

7.4.12. Having regard to all of the information on the file and to the continued appearance and condition of the properties within the estate, which as stated constitute 33 individual derelict sites, I consider that it is appropriate that the Local Authority's applications for consent to compulsorily acquire each of the individual house plots at Nos. 1 to 33 Ballywilliam Close, Rathkeale, Co. Limerick are granted.

## **8.0 Recommendation**

8.1. Having regard to the observed condition of the individual plots within Ballywilliam Close housing estate, and in particular the neglected, unsightly and objectionable state of the land and the structures thereon, which are in a ruinous and dangerous state, and the condition of the gardens which are still overgrown, I consider that each of the 33 no. sites materially detract from the amenity, character and appearance of

land in the neighbourhood, and that each site is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the lands in question, as provided for by section 14 of the Act. I recommend, therefore, that the Board grant consent to Limerick City and County Council to compulsorily acquire each of the 33 no. sites, Nos. 1- 33 Ballywilliam Close, respectively.

## 9.0 **Reasons and Considerations**

Having regard to the neglected, unsightly and objectionable condition of each of the following sites which are overgrown with waste building materials within the sites -

Plot No. 1 Ballywilliam Close

Plot No. 2 Ballywilliam Close

Plot No. 11 Ballywilliam Close

Plot No. 12 Ballywilliam Close

Plot No. 31 Ballywilliam Close

Having regard to the neglected, unsightly and objectionable condition of each of the following sites which are in a ruinous and dangerous state and are overgrown with waste building materials within the sites –

Plot No. 3 Ballywilliam Close

Plot No. 4 Ballywilliam Close

Plot No. 5 Ballywilliam Close

Plot No. 7 Ballywilliam Close

Plot No. 8 Ballywilliam Close

Plot No. 9 Ballywilliam Close

Plot No. 10 Ballywilliam Close

Plot No. 13 Ballywilliam Close

Plot No. 14 Ballywilliam Close

Plot No. 15 Ballywilliam Close

Plot. No. 16 Ballywilliam Close

Plot No. 17 Ballywilliam Close

Plot No. 18 Ballywilliam Close

Plot No. 19 Ballywilliam Close

Plot No. 20 Ballywilliam Close

Plot No. 21 Ballywilliam Close

Plot No. 22 Ballywilliam Close

Plot No. 23 Ballywilliam Close

Plot No. 24 Ballywilliam Close

Plot No. 25 Ballywilliam Close

Plot No. 26 Ballywilliam Close

Plot No. 27 Ballywilliam Close

Plot No. 28 Ballywilliam Close

Plot No. 29 Ballywilliam Close

Plot No. 30 Ballywilliam Close

Plot No. 32 Ballywilliam Close

Plot No. 33 Ballywilliam Close

it is considered that each of these sites 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 of the Derelict Sites Act, 1990, as amended, and that the acquisition of each of these sites by the local authority is necessary in order to render each 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**

**30<sup>th</sup> April 2021**

## APPENDIX 1

### TABLE 2

#### State of completion, condition and objections for each plot

| Plot/ABP<br>Ref. No. | House<br>type | State of<br>completion              | Current condition   | Owner/<br>Objector <sup>1</sup>                                    | Specific Reason for objection  |
|----------------------|---------------|-------------------------------------|---|--|--|
| Plot 1<br><br>308952 | Semi-D        | Unfinished -<br>Foundation<br>level | At foundation and rising wall state of construction.<br><br>Overgrown with weeds and vegetation with a tree growing in the middle of the structure.<br><br>Topsoil heap in front garden. Builder's rubble and debris strewn about site. | Esther<br>Quilligan<br>(owner)<br><br>John Quilligan<br>(Objector) | R <sup>2</sup> married with young family and 2 daughters recently married – purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved. |
| Plot 2<br><br>308954 | Semi-D        | Unfinished -<br>Foundation<br>level | At foundation and rising wall state of construction.<br><br>Overgrown with weeds and vegetation and bushes growing within and adjacent to the structure.<br><br>Builder's rubble and service pipes/cables within the garden areas.      | Robin<br>O'Donoghue<br>(owner/<br>objector)                        | Married with young family – needed for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved.  |

|                          |               |                                       |   |  |   |
|--------------------------|---------------|---------------------------------------|---|--|---|
| <p>Plot 3<br/>308962</p> | <p>Semi-D</p> | <p>Partially complete -Roof level</p> | <p>Roof and block work in place</p> <p>Large no. roof tiles missing. No barge boards, fascias, soffits or rainwater goods and rafters exposed. Steel supports for bay windows exposed/rusted.</p> <p>No windows or doors and open to the elements. No ceilings, floors.</p> <p>Overgrown with weeds &amp; vegn. Builder's debris and service pipes visible.</p>             | <p>Kathleen Hegarty<br/><br/>(owner/ objector)</p> | <p>R<sup>2</sup> is a widow with no family. Lives in caravan at front of mother-in-law's house. No other accommodation.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p> |
| <p>Plot 4<br/>308963</p> | <p>Semi-D</p> | <p>Unfinished – Wall plate level</p>  | <p>Roof installation 60% complete.</p> <p>Large no. roof tiles missing, and rafters exposed to elements. No barge boards, fascias, soffits or rainwater goods. No roof tiles on front porch. Steel supports for bay windows exposed and rusted.</p> <p>No windows or doors, ceilings or floors.</p> <p>Overgrown with weeds &amp; vegn. Including within the structure.</p> | <p>James Hegarty<br/><br/>(owner/ objector)</p>    | <p>R<sup>2</sup> married with 4 children and no alternative accommodation.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Will submit planning application for retention &amp; completion once CPO resolved.</p>   |



|                  |        |  |  |   |   |
|------------------|--------|--|--|---|---|
| Plot 5<br>308964 | Semi-D | Unfinished –<br>Foundation<br>level                              | At foundation and rising wall state of construction.<br><br>Overgrown with weeds & vegn.<br>Including within structure and builder's debris, rubble strewn about the site.   | Tony O'Shea<br>(owner) <sup>3</sup><br><br>Michael Nash<br>(objector)                       | R <sup>2</sup> married with children. House needed for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved.   |
| Plot 6<br>308970 | Semi-D | Unfinished –<br>Foundation<br>level                              | At foundation and rising wall state of construction.<br><br>Overgrown with weeds & vegn.<br>Including within structure and builder's debris, rubble strewn about the site.   | Margaret &<br>Breda<br>Sheridan<br>(owners)<br><br>Denis & Breda<br>Sheridan<br>(objectors) | R <sup>2</sup> are married with adult children (DS) and widowed with young children (BS). House needed for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved.                                     |
| Plot 7<br>308971 | Semi-D | Substantially<br>complete –<br>Roof level and<br>blockwork walls | Roof and blockwork in place including external render and brickwork. RWG, soffits fascias, barge boards in place but no downpipes. Some tiles missing/broken. Vegetation growing out of the gutter.<br><br>Some windows installed but many missing. Upper floor bay has cage installed and lower floor windows broken. | Lorraine<br>O'Connor<br>(owner)<br><br>Michael Egan<br>(objector)                           | R <sup>2</sup> married with 4 children. Lives in caravan to rear of father-in-law's home. No other accommodation.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved. |

|                  |        |   |   |   |  |
|------------------|--------|---|---|---|--|
|                  |        |   | <p>No doors.</p> <p>Overgrown with weeds &amp; vegn. And some debris in garden. Side boundary wall with No.6 – not capped/rendered.</p>   |   |  |
| Plot 8<br>308972 | Semi-D | Substantially complete – roof level and blockwork walls | <p>Roof and blockwork in place, including external render and brickwork. RWG, fascias, soffits and barge boards in place but no down pipes. Vegetation growing out of gutters.</p> <p>Some windows installed but many missing. FF bay window has cage installed and GF window is broken.</p> <p>No doors.</p> <p>Garage in place but no door and vegetation inside.</p> <p>Overgrown with weeds &amp; vegn. And debris in garden.</p> | <p>Thomas Quilligan (owner)</p> <p>Thomas Sheridan (objector)</p> | <p>R<sup>2</sup> Married with 4 children. Lives in town. Purchased for eldest son.</p> <p>Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p> |
| Plot 9<br>308975 | Semi-D | Substantially complete – roof level and blockwork walls | <p>Roof and block work in place with external render/brickwork.</p> <p>Some roof tiles missing. Part of RWG, fascias, soffits and barge boards but incomplete and no down pipes.</p>  | <p>Thomas Sheridan (owner)</p>                                    | <p>R<sup>2</sup> married with 4 children including adult child with a son. Lives in caravan and no alternative accommodation.</p> <p>Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.</p>   |

|                           |               |  |  |  |  |
|---------------------------|---------------|--|--|--|--|
|                           |               |  | <p>No windows and doors and steel supports for bay windows exposed.</p> <p>Overgrown with weeds and vegn.</p> <p>Debris in garden.</p>   | <p>Patrick Quilligan (objector)</p>                          | <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p>   |
| <p>Plot 10<br/>308967</p> | <p>Semi-D</p> | <p>Substantially complete – roof level and blockwork walls</p> | <p>Roof and block work in place but no external render, barge boards, fascias, soffits or RWG.</p> <p>Some roof tiles missing including porch tiles.</p> <p>No windows and doors and steel supports for bay windows exposed.</p> <p>Vegetation inside.</p> <p>Overgrown with weeds and vegn. And debris in garden.</p> | <p>Michael Egan (owner)</p> <p>James O'Connor (objector)</p> | <p>R<sup>2</sup> Married with large young family. House needed for family use.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p> |
| <p>Plot 11<br/>308968</p> | <p>Semi-D</p> | <p>No development commenced</p> <p>Vacant site</p>             | <p>Site overgrown with weeds and vegetation.</p> <p>Builder's debris including concrete blocks scattered around site.</p>  | <p>John Flynn (owner and objector)</p>                       | <p>R<sup>2</sup> is 25 years old and living with father – no other home. Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning application pending for construction of detached house (20/1242).</p>   |

|                   |        |   |  |   |   |
|-------------------|--------|---|--|---|---|
| Plot 12<br>308969 | Semi-D | No development commenced<br><br>Vacant site             | Site overgrown with weeds and vegetation. Builder's debris including concrete blocks scattered around site.  | Helen Quilligan (owner)<br><br>Simon Quilligan (objector)                     | R <sup>2</sup> married with 3 children. Lives in caravan at front of mother-in-law's. no other home.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning application pending for construction of detached house (20/1392).   |
| Plot 13<br>308973 | Semi-D | Substantially complete – roof level and blockwork walls | Roof and block work in place but some roof and ridge tiles missing. Fascias, soffits and barge boards present but no RWG. External render but damp patches and brickwork incomplete.<br><br>Some windows installed but several either missing or broken<br><br>No doors.<br><br>Overgrown with weeds & vegn. And debris present. | Kathleen O'Connor & Helen Quilligan (owners)<br><br>James O'Connor (objector) | R <sup>2</sup> married with 4 children. Purchased site for son, currently residing with father in town.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved. |
| Plot 14<br>308976 | Semi-D | Substantially complete – roof level and blockwork walls | Roof and block work in place including external render. Fascias, soffits and barge boards present but no RWG.<br><br>Some windows installed but either broken or missing.<br><br>No doors.   | Kathleen O'Connor (owner)<br><br>James O'Connor (objector)                    | R <sup>2</sup> Married with 4 children. Purchased for use by son, currently residing with father in town.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.  |

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|                   |          |   | Overgrown with weeds & vegn.<br>Including inside.<br><br>Debris in garden including large cage for window in front garden.   |  | Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.   |
| Plot 15<br>308977 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place<br><br>No windows and doors. Cage on rear window. RWG in place but no downpipes. Fascias/guttering damaged/missing with vegn. Growing within.<br><br>Overgrown with weeds & vegn. | Michael Flynn<br><br>(owner and objector)                | R <sup>2</sup> married and purchased for son, currently residing with parents in town. Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved. |
| Plot 16<br>308978 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. Fascias and barge boards in place but guttering incomplete and no downpipes.<br><br>No windows and doors.<br><br>Overgrown with weeds & vegn.                                    | Christine Coffee (owner)<br><br>Patrick Kealy (objector) | R <sup>2</sup> married with 3 children living in town. Needed for family use.<br><br>Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.   |
| Plot 17<br>308986 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place<br><br>Roof tiles missing and roof seam uncovered. Fascias missing from porch roof.   | Nora Flynn<br><br>(owner)                                | R <sup>2</sup> married with children. Purchased for family use.<br><br>Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.  |

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|                   |          |   | <p>No windows and doors. Cages on windows.</p> <p>Damp patches/streaks on front render.</p> <p>Overgrown with weeds &amp; vegn.</p> <p>Builder debris in front garden.</p>   | Philip O'Donoghue (objector)       | Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.  |
| Plot 18<br>308987 | Detached | Substantially complete – roof level and blockwork walls | <p>Roof and block work in place</p> <p>Roof tiles missing and fascias missing or damaged on porch. No RWGs.</p> <p>Unfinished plasterwork.</p> <p>No windows and doors.</p> <p>Overgrown with weeds &amp; vegn.</p>                    | Patrick Flynn (owner and objector) | <p>R<sup>2</sup> is 26 years old and lives with father. Purchased for own housing needs.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p> <p>R<sup>2</sup> has applied to Irish Water for a connection which is pending. Was instructed not to work on property without permission.</p> |
| Plot 19<br>308988 | Detached | Substantially complete – roof level and blockwork walls | <p>Roof and block work in place.</p> <p>Incomplete RWG and no downpipes.</p> <p>Roof tiles on front porch missing/broken.</p> <p>No windows and doors. Cages on windows at front and rear.</p> <p>Overgrown with weeds &amp; vegn.</p> | Mary Connors (owner and objector)  | <p>R<sup>2</sup> married with 4 children. Purchased for own accommodation needs. No alternative home.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p>  |

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|                   |          |                                  | Debris in front garden.  |   |  |
| Plot 20<br>308989 | Detached | Unfinished –<br>Wall plate level | Blockwork to wall plate level.<br><br>No roof.<br><br>No windows and doors, window cills or lintels.<br><br>Overgrown with weeds & vegetation, both internally and externally with debris scattered around the site. | James A.<br>O'Donoghue<br><br>(owner and objector)                      | R <sup>2</sup> married with 4 children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved. |
| Plot 21<br>308990 | Detached | Unfinished –<br>Wall plate level | Blockwork to wall plate level.<br><br>No roof.<br><br>No windows and doors, window cills or lintels.<br><br>Overgrown with weeds & vegetation both internally and externally with debris scattered around the site.  | James A.<br>O'Donoghue<br>(owner and objector)                          | R <sup>2</sup> married with 4 children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved. |
| Plot 22<br>308991 | Detached | Unfinished –<br>Wall plate level | Blockwork to wall plate level.<br><br>No roof.<br><br>No windows and doors, window cills or lintels.   | Breda<br>O'Donoghue<br>(owner)<br><br>James<br>O'Donoghue<br>(objector) | R <sup>2</sup> married with 4 children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved. |

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|                   |          |   | Overgrown with weeds & vegetation both internally and externally with debris scattered around the site.   |  |   |
| Plot 23<br>308997 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. Fascias, soffits, barge boards and gutters in place but no downpipes. Porch missing tiles and RWG. Unfinished plaster/brick work with damp patches on render.<br><br>No windows and doors.<br><br>Overgrown with weeds & vegn. And considerable amount of debris scattered around the site. | Dan Sheridan<br>(owner and objector)                             | R <sup>2</sup> married. Purchased for son (19 years old) living with parents.<br><br>Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.   |
| Plot 24<br>308999 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. Fascias, soffits, barge boards and some gutters in place but no down pipes.<br><br>Roof tiles and ridge tiles missing and hole visible in roof.<br><br>No windows and doors.<br><br>Porch roof is missing flashing and soffits and extreme levels of damp evident on external walls.        | Fred O’Donoghue<br>(owner)<br><br>Danny O’Donoghue<br>(objector) | R <sup>2</sup> married with 3 children. Lives in caravan in town in front of mother’s house. Purchased for housing needs.<br><br>Alleged ‘dereliction’ could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved. |



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|                   |          |   | Overgrown with weeds & vegn. And debris   |   |   |
| Plot 25<br>309000 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. Soffits, fascias and gutters in place but barge boards and down pipes missing and vegetation growing in gutters.<br><br>No windows and doors<br><br>Pipes, cables and wires for services exposed in front garden which is overgrown with weeds & vegetation and full of debris and rocks. | Michael O'Donoghue (owner)<br><br>Mikey O'Donoghue (objector) | R <sup>2</sup> married with 4 children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.                       |
| Plot 26<br>309001 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. Fascias, soffits and barge boards in place but no gutters or downpipes. Flashing missing.<br><br>No windows and doors, broken cill.<br><br>Overgrown with weeds & vegetation.<br>Builder rubble and debris in front garden and service cables.  | Jean Sheridan (owner)<br><br>Patrick O'Donoghue (objector)    | R <sup>2</sup> married and lives in caravan at father's home. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved. |
| Plot 27<br>309004 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. Fascias, soffits, barge boards in place and some gutters but no down pipes. No  | Daniel O'Brien<br>Richard O'Brien<br>Kathleen                 | R <sup>2</sup> is engaged to be married and lives with parents. No alternative accommodation.   |

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|                   |          |   | <p>flashing to roof porch. Damp external walls.</p> <p>No windows and doors.</p> <p>Overgrown with weeds &amp; vegetation internally and externally.</p>   | <p>O'Brien (joint owners)</p> <p>Dan O'Brien (objector)</p>                                       | <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p>  |
| Plot 28<br>309006 | Detached | Substantially complete – roof level and blockwork walls | <p>Roof and block work in place</p> <p>Roof tiles missing and roof seam exposed. Fascias, soffits and barge boards in place but veg growing in gutters and no downpipes.</p> <p>No windows and doors. Peeling render, graffiti and damp stains.</p> <p>Overgrown with weeds &amp; vegetation and debris at front</p> | <p>Richard O'Brien Daniel O'Brien Kathleen O'Brien (owners)</p> <p>Richard O'Brien (objector)</p> | <p>R<sup>2</sup> married with 2 children and lives in caravan in town. No alternative accommodation.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p> <p>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.</p> |
| Plot 29<br>309007 | Detached | Substantially complete – roof level and blockwork walls | <p>Roof and block work in place. Fascias, soffits, barge boards and gutters in place but no down pipes and veg growing in gutters.</p> <p>Roof tiles missing/broken and garage has roof/ridge tiles missing.</p> <p>No windows and doors. Cages on windows.</p>  | <p>John Slattery and Michael Slattery (owners)</p> <p>John Slattery (objector)</p>                | <p>R<sup>2</sup> married with 2 children, one of whom is profoundly deaf and attends Deaf School in Limerick. Lives in caravan at grandmother's house.</p> <p>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.</p>  |

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|                   |          |   | Overgrown with weeds & vegn.<br>Debris and rubble in front  |   | Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved.  |
| Plot 30<br>309008 | Detached | Unfinished –<br>Wall plate level                  | Blockwork to wall plate level exposed to elements.<br><br>No roof.<br><br>No windows and doors.<br><br>Overgrown with weeds & vegn.<br><br>Debris, rubble, rocks within front garden. | Philomena<br>McInerny<br>(owner)<br><br>Danny<br>McInerny<br>(objector) | R <sup>2</sup> married with children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved.   |
| Plot 31<br>309012 | Detached | No<br>development<br>commenced<br><br>Vacant site | Site overgrown with weeds and vegetation. Rubble, rocks and debris strewn across site. Concrete service tank in middle of site and exposed cables at front.                           | Margaret<br>McCarthy<br>(owner)<br><br>Jim O'Brien<br>(objector)        | R <sup>2</sup> married with children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Will submit planning application for retention & completion once CPO resolved.<br><br>Greenfield site with well-maintained grass not DS. |
| Plot 32<br>309015 | Detached | Unfinished –<br>wall plate level                  | Blockwork to wall plate level. Rafters in place but no roof.<br><br>No windows and doors.   | Robert O'Brien<br>(owner and<br>objector)                               | R <sup>2</sup> married with children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.   |

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|                   |          |   | Overgrown with weeds & vegetation. Rubble, rocks and debris scattered around site.  |   | Will submit planning application for retention & completion once CPO resolved.  |
| Plot 33<br>309016 | Detached | Substantially complete – roof level and blockwork walls | Roof and block work in place. External plaster showing signs of damp. Fascias, barge boards and soffits in place but incomplete. Porch roof tiles/flashing missing. No windows/doors.<br><br>Overgrown with weeds/vegn internally and externally Rubble and debris in front garden. | Kathleen O'Donoghue (owner)<br><br>Fred O'Donoghue (objector) | R <sup>2</sup> married with children. Purchased for family use.<br><br>Alleged 'dereliction' could only relate to dumping, refuse or litter all of which has now been removed.<br><br>Planning consultant of opinion that entitled to carry out completion works which will commence as soon as CPO resolved. |

**Note 1** – The stated owner(s) is stated by the P.A. to be in accordance with Land Direct at the time of issuing the Section 15 notices and that there were no dealings pending with Land Direct in relation to a change of ownership in each case at that time. Where the owner(s) is different to the objector, the P.A. has stated that it has accepted the objection in good faith in terms of ownership of the site.

**Note 2** - R represents 'Respondent' or 'Objector'.

**Note 3** - P.A. Report indicates that the Folio for Plot 5 is the original Folio for the entirety of the lands and that the 33 individual plots were subdivided from here and given separate Folios. However, it is noted that Plot 5 folio retained all of the communal lands/public spaces such as roads, footpaths, green spaces etc., which would normally be taken in charge by the L.A. once completed to the required standard.