



An  
Bord  
Pleanála

## Inspector's Report ABP-309028-20

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### Nature of Application

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

### Location

Lower Main Street, Rathkeale, Co. Limerick

### Local Authority

Limerick City and County Council

### Notice Party

Michael Hegarty

### Date of Site Inspections

19<sup>th</sup> March 2021

### Inspector

Mary Kennelly

## 1.0 Introduction

- 1.1. This case relates to a request by Limerick City and County Council for the consent of An Bord Pleanála to the compulsory acquisition of the subject site at Lower Main Street, 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 southwest 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. The site is located at the western end of Main Street, to the west of the junction with the Ballingarry road (R518). This part of Main Street is at the edge of the commercial section with mainly residential properties and a few commercial ones such as office, a hotel and a medical practice.
- 2.2. The site is an attached three-bay two-storey house. It is an attractive rendered stone-fronted building which dates from 1820. It is attached on either side by 2-storey terraced houses. It is listed on the NIAH Register no. 21831009. The terraced house immediately to the east is also in a derelict state and is the subject of a CPO which is before the Board (ABP.309031-20 P.A. Ref. DS068-19). To the west are two residential properties, one of which is a Protected Structure, which appears to be in a poor state of repair. The RPS Ref 1575 states that the render was not intended to be removed and that the windows have been enlarged. Beyond the PS is an entrance to the backland site and a further terrace of three houses. On the opposite side of the street, there is a row of 5 attached 2-storey buildings, most of which appear to be occupied as houses but one of which had been partly demolished and is a construction site. There is a single storey building to the east of the adjoining DS which is in community use and to the east of that is a three-storey building in use as a solicitor's office.
- 2.3. On the date of my site inspection, (19/03/21), the property was secure with the front door and ground floor windows boarded up. However, I was able to gain access to the interior, (ground floor only) and access was not available to the rear garden but

was able to view it through the rear windows. The house is two-storey with a rendered stone façade and a pitched roof of slate behind a rendered parapet. The render on the façade is cut on the ground floor and has decorative elements throughout. There are quoins to the ground floor and end pilasters with fluted columns and decorative capitals to the first floor. The windows are vertical timber sash with Juliette balconies of cast iron on the first floor. There is an elliptical-headed door opening to the ground floor but the pedimented doorcase is missing. The timber panelled double-leaf door had been removed and was lying on the floor of the hallway and the original doorway is covered over with plywood. The decorative 'cobweb' fanlight had also been removed. On either side of the doorway there are cast-iron railings set into a stone plinth. It has two rendered chimney stacks.

- 2.4. The facade appears to be in reasonably good condition apart from cornices and lintels on the front façade and the door-head appears to be damaged. Vegetation was growing out of the guttering and the parapets. The sash windows are in a very poor state of repair and the frames are either broken or disintegrating. There were several slates missing from the roof. Vegetation was growing out of the chimney. The cast-iron downpipe was broken. The rear of the property is neglected and in an exposed state with broken doors and windows. There is vegetation growing on the walls, downpipes are broken and missing, and render has been removed or is cracked.
- 2.5. Access was confined to the ground floor as the stairs had disintegrated and the bannisters had been removed. Some of the decorative joinery and panelling was intact but much of the interior had been either allowed to deteriorate or had original elements removed. Plaster had been removed from many of the walls, exposing stonework and brickwork underneath. The fireplaces had been removed. The ceiling rafters were exposed with damp and fungal growth evident and exposed cables. Much of the floor was covered in rubble, soil and debris.

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

- 3.1. Limerick City and County Council has applied to the Board for consent to compulsorily acquire the site under section 14/16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under

section 29 on 18<sup>th</sup> November 2016 (seeking particulars of the estate, interest in the land), section 8(2), on 21<sup>st</sup> February 2018, (i.e. advising of the Local Authority's intention to enter the site on the register of derelict sites), and under section 8(7), on 16<sup>th</sup> October 2018, (i.e. advising of the Local Authority's decision to enter the site on the register of derelict sites).

## **4.0 Application and Objection**

### **4.1 Notice of Intention to Acquire**

4.2. Notice of Limerick City and County Council's intention to acquire the site compulsorily was issued on 20<sup>th</sup> October 2020 and was published in the Limerick Post newspaper on the 31<sup>st</sup> of October 2020. A response to the Section 8(2) notice had been submitted by McMahon O'Brien Tynan Solicitors on 28<sup>th</sup> February confirming the property owner as Mr. Michael Hegarty.

4.2.1. The site was described as follows in the notices:

- A derelict site comprising of a two-storey terraced town house at Lower Main Street, Rathkeale, Co. Limerick. The said property and surrounding land is in a state of dereliction. The said derelict site is more particularly shown outlined in red on map bearing reference no. DS-065-16 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act 1990.

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

### **4.3 Objection to Acquisition**

4.3.1. An objection to the proposed acquisition was submitted to Limerick City and County Council by William O'Donnell solicitors on behalf of the owner on 30<sup>th</sup> November 2020. The objection can be summarised as follows:

- The owner, Michael Hegarty, has agreed to the sale of this property and the purchaser is intent on bringing the property back into use to the satisfaction of Limerick City & County Council.

- The owner had plans to renovate the property and to this end he had applied to the L.A. for funding under the Built Heritage Investment Scheme 2020. Following a meeting with the Conservation Officer to assess the works required to reinstate the house, funding was approved for €4,570. A letter to this effect from the L.A. was issued on 11<sup>th</sup> June 2020.
- Due to the Covid-19 restrictions and the current economic climate, Mr. Hegarty was not in a position to renovate the property and to draw down the funding. He has instead opted to sell the house to a willing purchaser who intends to renovate the property.

#### **4.4. Local Authority's Application for Consent**

4.4.1. The Local Authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was submitted on 21<sup>st</sup> December 2020 and was accompanied by the following:

- Local Authority Compulsory Acquisition Report which sets out 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 notices served, dated 20<sup>th</sup> October 2020.
- Copy of the newspaper notice, dated 31<sup>st</sup> October 2020.
- Copy of objection made by William O'Donnell Solicitors on behalf of Michael Hegarty, dated 26<sup>th</sup> November 2020 (received by local authority on 30<sup>th</sup> November 2020).

4.4.2. The derelict site report can be summarised as follows:

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

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

- 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.
- The property is located in the centre of the town on the main street, with terraced properties on either side of the street. It was built c.1820 with a pitched slate roof, rendered chimney stacks and parapet to the south-east (front elevation), above render bracketed cornice. There is a plinth wall with cast iron railings to the boundary and the rear of the property is exposed. This residential two storey mid-terraced property is vacant and has been in a derelict condition for a considerable period of time.
- The property has an unsightly appearance, which detracts from the local area. The front door to the building has been secured with plywood sheeting. The sash window frames to the front are broken in places with vegetation to be seen growing on the inside. This is visible to passing traffic through the town and to pedestrians. The rear of the property is neglected and in an exposed state with broken windows and doors, rubble and debris present, and vegetation growing on the ground and up the walls.
- It was first brought to the attention of the Local Authority in October 2016, at which point a Derelict Site case was opened, DS-065-16. Land Registry and planning searches were carried out in an attempt to establish ownership. In

November 2016 a Section 29 Notice was served on the property, but no response was received.

- The Local Authority decided to issue a Section 8(2) notice on 21<sup>st</sup> February 2018 of its intention to enter the property onto the Register of Derelict Sites. A letter from McMahon O'Brien Tynan solicitors was submitted on 28<sup>th</sup> February 2018 confirming the name of the owner as Michael Hegarty, in response to the Section 8(2) notice. A letter of reply was issued by the local authority on 5<sup>th</sup> March 2018 together with a copy of the inspection report outlining remedial measures to be taken. This was acknowledged by the owner's solicitor who advised that he would liaise with his client and that the dereliction would be dealt with as soon as possible.
- The L.A. carried out a further inspection in September 2018. The property had remained in a derelict condition, and it was established that no works had been carried out. A Section 8(7) Notice was issued on 16<sup>th</sup> October 2018 stating that the particulars of the land had been entered into the Derelict Site Register.
- In early 2020, the owner made an application to the Built Heritage Investment Scheme from the Dept. of culture, Heritage and the Gaeltacht in respect of the windows in the property. This application was not progressed as substantial remedial works were needed on the property.
- It was decided to issue a Section 15 Notice of intention to acquire the property compulsorily under the Derelict Sites Act 1990 on the 20<sup>th</sup> of October 2020.
- An objection to the Section 15 notice was submitted by William O'Donnell Solicitors on behalf of the owner on 30<sup>th</sup> November 2020.
- The Local Authority intends to pursue the compulsory acquisition of the derelict site. It is considered that the property has been in a derelict condition for a considerable length of time and that the L.A has received numerous complaints in respect of its derelict state from the local community, local councillors and Rathkeale Community Council. It is considered that substantial works are required to take it out of dereliction. Historical photographic evidence has been included which shows the nature of the

dereliction between 2016 and 2020. The dereliction is evident from the street and from the rear.

#### **4.5. Objector's Submission**

4.5.1. A submission was made to the Board by William O'Donnell Solicitors on 28<sup>th</sup> January 2021 in response to the Section 15 Notice. The main points may be summarised as follows:

- In the original submission pursuant to Section 16 of the Act it had been advised that the owner had agreed to sell the property. The proposed sale was by way of an exchange whereby the owner had agreed the purchase of a house in County Cork in consideration of the transfer to the vendor of the property that is the subject of the compulsory acquisition order and another property in County Kerry.
- Contracts were issued to the owner's solicitors on 27<sup>th</sup> July 2020. Considerable time and effort had been expended in relation to the investigation of title on all three properties. Ultimately Contracts for Sale were signed by the owner, Michael Hegarty, and returned to the purchaser's solicitors on 30<sup>th</sup> November 2020. However, the sale has not progressed further, despite pressing the purchaser's solicitors.
- The purchaser's solicitors have now advised that they do not have full instructions from their client as to whether or not he is proceeding with the sale. In the circumstances, the owner has decided to reinstate the property himself and to bring it back into use.
- Mr. Hegarty has engaged the services of Eco Construction to refurbish the property. A quotation to this effect is enclosed confirming the cost of the reinstatement of the property.
- Due to the covid-19 restrictions, many facets of life have been put on hold. For example, there is presently a restriction on evictions on Residential Tenancies even where there are arrears of rent causing substantial financial hardship to Landlords. In a similar vein, there should be a restriction on Compulsory



Purchase Orders where it is not possible for property owners to carry out works due to travel restrictions and Government restrictions.

4.5.2. Enclosures include letters from purchaser's solicitors Lynch & Bradley with draft contracts for sale dated 26/01/21 and 27/07/20, letters from owner's solicitors with draft Deed of Transfer dated 30<sup>th</sup> November and 30<sup>th</sup> July 2020.

4.5.3. No further correspondence has been submitted.

## 5.0 Planning History

### 5.1. Application Site

5.1.1. I am not aware of any 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. Limerick County Development Plan 2010-2016 (as extended)

6.1.1. The applicable Chapter 3 of the County Development Plan sets out the settlement strategy. Rathkeale is designated as a **Tier 3 – Centres on Transport Corridors** in the 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. Tier 3 Settlements are described as centres on transport corridors which will be promoted as secondary settlement centres for significant future development. Policy **SSP8** seeks to encourage and facilitate sustainable balanced development within these settlements and to ensure that they act as the primary focus for investment in

infrastructure, housing, transport, employment, education, shopping, health facilities and community.

- 6.1.3. 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.

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

- 6.2.1. 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.” It is also located within the Architectural Conservation Area and is listed as an NIAH property.

- 6.2.2. Relevant policies –

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

**Objective EH1: Architectural Conservation Area** – to protect, conserve and enhance the ACA as identified in Map 3. Proposals must respect the scale and form of the existing structures within the ACA and seek to contribute to or enhance the character and streetscape of the ACA. It is also required that proposals seek to retain/incorporate/replicate exterior features which enhance the character and streetscape of the ACA such as sash windows, gutter, downpipes, decorative plasterwork etc.

## 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.

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

## 7.0 Assessment

- 7.1. Internal access to the house was possible on the date of my site inspection in March 2021, but access to the first floor and rear garden were not possible. However, there are photographs on the file which indicate the condition of the rear of the building, and I was able to view part of the back garden from the rear rooms of the house.
- 7.2. The house is vacant and has a neglected, unsightly and objectionable appearance from the public road and the surrounding area. This is due to the fact that the windows and window frames are either broken or damaged and the front door is boarded up with plywood. Some of the windows have vegetation growing inside them which is evident from the street. In addition, the areas enclosed by the cast iron railings at the front are strewn with litter. The roof is in a poor state of repair with slates missing, and bits of the downpipes are either broken or missing. There is vegetation growing out of the chimney and parapet. The rendered façade is also in need of repair. The rear garden is in an unkempt state with debris, waste materials and debris stored there. There is vegetation growing on the rear wall and the paint and render has been chipped off. The back door and several rear windows are broken.
- 7.3. The interior of the building is in a very poor state of repair with many of the original historical and decorative features missing or severely damaged or in a state of deterioration. Plasterwork has been removed from the original stonework and the stonework appears to be damaged in places. Stud walls are missing, some ceilings are falling in or the rafters are exposed with fungal growth and damage evident. The stairs is in a poor state of repair with bannisters missing. There are also several windows which are broken or missing with no hoardings. Thus, the building is open to the elements, particularly at the rear and is likely to be in a continual state of decline.
- 7.4. The building is listed on the National Inventory of Architectural Heritage (Reg No. 21831009) and is located within the Architectural Conservation Area for Rathkeale. The NIAH appraisal states that its highly decorative façade makes a significant impact on the streetscape of Rathkeale and that the ornate classically inspired detailing enlivens and adds grandeur to the otherwise modest façade and form of the structure. Reference is made to the sash windows, door and surround and fanlight and it is stated that it forms an unusual and notable feature within the town.

- 7.5. Rathkeale LAP attaches great significance to the historical importance and special character of the town, to which its many buildings, including Protected Structures and proposed Protected Structures, have contributed greatly. Policy Objectives EH1 and EH2 seek to protect and conserve such structures, to encourage their re-use and restoration and where appropriate, to enhance the character of the ACA. Reference is made in EH1 to the importance of the use of materials and finishes, features such as sash windows, gutters, downpipes and decorative plasterwork. Reference is made in EH2 to the need to avoid demolition, in whole or in part, and to removal or modification of features of architectural importance.
- 7.6. It is considered that the NIAH listing of the structure and its siting within an ACA underlines the need to arrest the decline and any further deterioration in the condition of the building, which could lead to the loss of further historic fabric or features of architectural interest, or to the partial demolition of the structure. The unsightly condition and poor maintenance of the site and surroundings detracts from the character of the building and of the character and streetscape of the Architectural Conservation Area.
- 7.7. The site is situated in the middle of a row of buildings, opposite a further row of dwelling houses, on the main street of the town. The buildings and dwelling houses in the immediate surrounding appear to be reasonably well maintained and occupied, although there are some further derelict or unoccupied sites in the general vicinity. Rathkeale LAP has identified derelict and vacant sites as a matter of serious concern which has a very negative effect on the amenity of the town. Having regard to the foregoing, I therefore consider that the application site detracts to a material degree from the character and appearance of the town centre and the surrounding residential area.
- 7.8. Although the roof and external walls generally seem to be intact, the damage to the doors and windows has exposed the interior of the property to the elements, and the damaged/broken frames and glazing is likely to result in continual decline. The combination of these factors would contribute to the ruinous and derelict state of the building. Having regard to the above, it is considered that the building falls within the category of being in a ruinous, derelict and dangerous condition, i.e., category (a) of section 3 of the Derelict Sites Act 1990.

- 7.9. With regard to category (b), I would consider that on the basis of the foregoing, the site also falls within category (b) of section 3 of the Derelict Sites Act, 1990 due to the land and structure being in a neglected, unsightly and objectionable condition. There was evidence of items of waste material stored and deposited on the site, particularly in the rear garden area and within the railed areas at the front. The material stored at the front involved litter and the materials stored at the rear included debris and rubble. It is considered, therefore, that the site also falls within category (c) of section 3 of the Act. In conclusion, I consider that the property demonstrably detracts from the amenity, character and appearance of land in the vicinity of the site, which in my view, renders it derelict under section 3 of the Act.
- 7.10. I note the actions of the Local Authority and the statutory notices served on the owner/occupier in respect of the building. Section 8(2) notices were issued on the 21<sup>st</sup> of February 2018, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently issued on 16<sup>th</sup> October 2018, 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 the site compulsorily.
- 7.11. I note the objection made on behalf of the owners on the 30<sup>th</sup> of November 2020 and to the Board on the 28<sup>th</sup> of January 2021 to the proposed acquisition of the site, stating that it was the intention of the owner to address the issues of deterioration of condition of the building. It is noted that the owner had progressed the sale of the property, but it is acknowledged that the sale has since fallen through. Furthermore, an application for funding to assist with the renovations had been approved by the Local Authority under the Built Heritage Investment Scheme 2020, but has not been drawn down, and that these works were required to be completed by the 14<sup>th</sup> of October 2020.
- 7.12. I also note that the owner has obtained a quote from Eco Construction for the repair of the property, which amounts to €180,197.14 dated December 2020. This quote is not itemised and does not relate to a fully comprehensive scheme to bring the building back into use. It is also noted that the amount quoted seems to be greater than the stated value of the house of €165,000, as referenced in the letter from the solicitor to the Board of 27<sup>th</sup> January 2021.

- 7.13. The property is not well secured and there is no evidence of any works of maintenance have been carried out to the interior. The photographs provided by the Local Authority which track the changes in the condition of the building between the 18<sup>th</sup> of November 2016 and the 28<sup>th</sup> of October 2020 show the significant level of decline and deterioration during that period. Having inspected the site, there is no evidence of any attempt to render the site non-derelict and the house remains in a neglected and unsightly condition and the gardens are still untidy and unkempt. I therefore consider that the site remains in a derelict condition.
- 7.14. I also note the objection to the compulsory acquisition on the grounds that many facets of life have been put on hold due to the Covid-19 pandemic and that there should be a restriction on compulsory purchase orders where it is not possible for property owners to carry out works due to travel and government restrictions. However, as stated above, the decline of the property has been progressing over several years and began before the pandemic. It is considered that the delay and problems with the sale of the property and the restrictions relating to the pandemic are not sufficient justification for the derelict state of the property.
- 7.15. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authority's application for consent to compulsorily acquire the site at Lower Main Street, Rathkeale, Co. Limerick is granted.

## **8.0 Recommendation**

- 8.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structure thereon, I consider that the site materially detracts from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the meaning of Section 3 of the Derelict Sites Act, 1990, as amended.
- 8.2. I consider that it is reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by section 14 of the Act. I recommend, therefore, that the Board grant consent to Limerick City and County Council to compulsorily acquire the site.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the neglected, unsightly and objectionable condition of the site, which is in a ruinous and derelict state, it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in section 3 of the Derelict Sites Act, 1990, as amended, and that the acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained having regard to that said necessity.

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Mary Kennelly

Senior Planning Inspector

12<sup>th</sup> July 2021