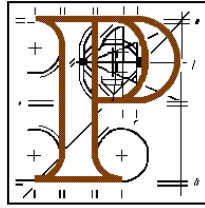


# An Bord Pleanála



## Inspector's Report

<b>Board Reference:</b>	ABP-310723-21
<b>Planning Authority Site ID:</b>	DS-102-19
<b>Local Authority:</b>	Limerick City & County Council
<b>Objector:</b>	Liquidator Carl Dillon, Moore Stephens
<b>Location of Lands:</b>	Montpelier, O'Briensbridge, County Limerick
<b>Inspector:</b>	Kevin Moore

**Re: Application for consent from An Bord Pleanála for compulsory acquisition of bungalow and surrounding land at Montpelier, O'Briensbridge, County Limerick.**

**1.0 INTRODUCTION**

- 1.1 I have read the contents of the file and I inspected the site on 15<sup>th</sup> November, 2021.
- 1.2 Notice of the intention to compulsorily acquire the site under section 14 of the Derelict Sites Act 1990 was published on 24<sup>th</sup> April, 2021. An objection to the acquisition was received by the local authority on 26<sup>th</sup> May, 2021.
- 1.3 A Compulsory Acquisition Report is attached in the letter from the local authority, dated 18<sup>th</sup> June, 2021, requesting the consent of the Board to the compulsory acquisition of the property. This report describes the site and its location, the derelict site history associated with it, as well as referring to the objection received. The local authority submits that it is its experience that the properties of entities going through liquidation or in receivership do not receive the attention required to bring them out of dereliction. The appendices with the report comprised the derelict site location map, a copy of the Section 15 Notice served to the owner, a copy of the newspaper advert of the Section 15 Notice, a copy of the objection received and an acknowledgement letter, and photographs of the site.

**2.0 OBJECTION**

- 2.1 An objection on behalf of the official liquidator Carl Dillon for and on behalf of Whelans Quarries Limestone Limited, dated 24<sup>th</sup> May, 2021, was made to Limerick City & County Council wherein it was submitted that the objection is

made to the compulsory purchase order as it is expected to sell the property over the coming months.

### **3.0 SITE LOCATION AND DESCRIPTION**

3.1 The site is on the east side of Regional Road No. R525 in the village of Montpelier in North County Limerick which is south of the village of O'Briensbridge and the county's border with County Clare. There is a detached bungalow on the site and a single-storey garage structure located behind the house adjoining the rear site boundary. The curtilage comprises front, rear and side garden spaces. There is a low block wall along the road frontage and a vehicular entrance onto the adjoining regional road. There are detached houses along both sides of the regional road in the immediate vicinity of the site.

### **4.0 ASSESSMENT**

4.1 Section 3 of the Derelict Sites Act, 1990 defines a "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 statute or by common law.

- 4.2 Before offering my considerations on the property, I note for the Board that I undertook a site inspection which did not entail an internal examination of the house on this property. The openings to the house were blocked up. Therefore, I examined the property from ground level from the curtilage within the site and from the adjoining public lands.
- 4.3 I note from the Council's report that it is submitted that the dwelling and garage on the site are vacant and in a derelict condition for a considerable period and that it detracts in a great way from the well-maintained properties in the vicinity. It is submitted that the roof tiles on the bungalow are damaged and some are missing, that rain water guttering and downpipes are falling down at the back and front of the property, and that windows and doors are boarded up. Referenced is made to the overgrown condition of the garage to the rear and the garage door being wide open, with free access. The site is considered to have a neglected look and is in an unsightly condition, being overgrown. The overgrown condition of the driveway and evidence of litter are also alluded to.
- 4.4 Further to the Council's considerations and to my inspection of this property, I make the following observations:
- The existing house is in a neglected, unmaintained state. There is ivy and other growth on the building and around the base of the structure. Guttering and downpipes are broken and the soffits are in a deteriorating condition. The roof tiles are covered in vegetation growth. However, there is no evidence of any significant structural cracking to walls or the chimney. All openings to the building are boarded up with timber sheeting, which at this time is preventing access to the house.
  - The garage to the rear is in an area that is completely overgrown and presents as being in a ruinous condition.
  - The curtilage of the site presents as overgrown and unmaintained, with natural vegetation encroaching on and masking the structures on the site, as

well as colonising the driveway and any previous hardstanding areas within the site. The overgrown condition is also punctured with debris and other waste.

- Properties in the vicinity comprise detached dwellings that area well-maintained, with frontage onto the adjoining regional road.

4.5 Overall, I am satisfied to conclude that this is a site which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood because of the neglected, unsightly and objectionable condition of the land and the ruinous condition of the garage structure. I submit that the house is in a significant state of disrepair and is approaching a state of dereliction as its unmaintained condition continues to prevail and the structure falls further into decay. Having regard to the former observation, it is reasonable to determine that

- (a) a structure exists on the land in question which is in a ruinous and derelict condition, and
- (b) the condition of the land is neglected, unsightly and objectionable.

I submit that the property constitutes a 'Derelict Site' as it detracts to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question.

## **5.0 CONCLUSION AND RECOMMENDATION**

5.1 I conclude that the bungalow and surrounding land at Montpelier, O'Briensbridge, County Limerick constitute a derelict site and I recommend that the Board grants consent to the compulsory acquisition of this site at this time in accordance with the following:

## **Decision**

**GRANT consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.**

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

It is considered that the property detracts to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question, having regard to the condition of the land being neglected, unsightly and objectionable and the presence of an existing structure which is in a ruinous and derelict condition. The Board, therefore, has decided that it would be appropriate to grant consent to the compulsory acquisition of the site.

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Kevin Moore  
Senior Planning Inspector  
18<sup>th</sup> November, 2021.