



An
Bord
Pleanála

Inspector's Report ABP-315682-23

Development	Derelict site at Killonan, Castletroy, Limerick
Location	Killonan, Castletroy, Limerick
Planning Authority	Limerick City and County Council
Notice Party	Estate of Sean Kearns (deceased) c/o Richard R. O'Hanrahan Solicitors and Law Agents.
Date of Site Inspection	26 th February 2024
Inspector	Claire McVeigh

1.0 Introduction

- 1.1. This case relates to a request by Limerick City and County Council for consent of An Bord Pleanála to the compulsory acquisition of the subject site at Killonan, Castletroy, Co. Limerick in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The subject site is in Killonan, Castletroy which is located south of Annacotty village, beyond the M7 and outside the city and suburbs boundary for Limerick city. The area is characterised by ribbon development of one-off houses with individual wastewater treatment systems.
- 2.2. The subject site is bounded by mature trees and to the front of the property there are mature trees screening the building from the local road. There are two no. entrances to the site from the road marked by tall pillars and painted rendered wall. Large gates to both entrances were lying open on the day of site inspection. To the north of the subject site is a large field under grass.

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 16 of the Derelict Sites Act, 1990, as amended. I note that this application is subsequent to the serving of notices under section 8(2), on 19th April 2021, (i.e., advising of the Local Authority's notice of intention to enter the site on the register of derelict sites) (I note that the submitted local authority Compulsory Acquisition Report only refers to a notice affixed to the site. From the submitted objection a copy of section 8(2) notice issued on 14th April 2021 to addressed to Mr. Sean C. O'Hanrahan, Estate of the late Sean Kearns is attached as appendix SB7). I highlight to the Board that Susan Bailey as Legal Personal Representative (LPR) in her objection to the compulsory acquisition of the property contends that the section 8(2) notice was not served in accordance with the Act.

- 3.2. Under section 8(7), on 13th July 2022 notice was served by registered post and affixed to the land, (i.e., advising of the Local Authority's decision to enter the site on the register of derelict sites).

3.3. **Application and Objection**

Notice of Intention to Acquire

- 3.4. Limerick City and County Council (LCCC) notified the owner by letters to Richard R. Hanrahan Solicitors and to the LPR in the estate of Sean Kearns c/o Susan Kearns dated the 16th November 2022, affixed notices to the land and advertised a "Notice of intention to acquire derelict site compulsory under the Derelict Site Acts 1990, (as amended by the Planning and Development Act, 2000)" in the Limerick Post newspaper on the 19th November 2022. The site was described as follows in the notices:

A derelict site comprising a bungalow dwelling with ruinous outbuildings and surrounding land situate at Killonan, Castletroy, Limerick, containing 0.451 hectares or thereabouts. The said property and surrounding land is in a state of dereliction.

- 3.5. A map of the derelict site (Ref. No. DS-028-12) was placed on public display at LCCC's Property and Community Facilities Departments and submissions were invited by an owner, lessee, or occupier on or before the 16th December 2022.

4.0 **Objection to Acquisition**

- 4.1. An objection to the proposed acquisition was submitted to LCCC from Richard R. O'Hanrahan Solicitors and Law Agents (on behalf of Susan Bailey Legal Personal Representative (LPR) of the estate of Sean Kearns (deceased)) in a letter dated 14th December 2022. The objection contains a comprehensive background to the subject lands and includes attached documents and photographs.
- 4.2. In January 1979, Sean Kearns a poultry farmer was registered as owner of the property as contained in Folio LK7358 and it is stated lived in the property up to his death on the 27th September 2000. Susan Bailey daughter and appointed LPR for the estate of Sean Kearns, as contained in Folio LK7358, sets out the reasons for objection to the compulsory acquisition. It is stated that the estate is the beneficial

owner of a property which is held in trust by Mary Coffey for the estate subject to a court order dated 20th January 2011 being part of lands in Folio LK23873 (Shown marked as 'B' on Land Registry Complaint Map appendix SB4 of objection) which adjoin Folio LK7358. Both these folios, it is stated, have had a number of practical and legal difficulties since the death of Sean Kearns on the 27th September 2000. In 2005 the property was broken into and trespassers set fire to part of the main residence.

- 4.3. It has been the intention of the estate to sell both parcels of land by voluntary sale on the open market. Since 2007 to date, the property has been available for sale with a number of Auctioneers. Rooney Auctioneers are acting as selling agent for the two parcels in Folio LK 7358 and Folio LK23873 (Part).
- 4.4. On the 19th April 2021, the local authority issued a section 8(2) notice and the LPR for the estate and her siblings, nieces and nephews have undertaken works and costs to carry out the necessary works on the property to satisfy the demands of the local authority.
- 4.5. In August 2022 an offer was received from a proposed purchaser despite the section 8(2) notice and the presence and cost of the removal of asbestos advised to the bidders on the property. Purchase price of €220,000 agreed and a booking deposit of €10,000 was received by the Auctioneer.
- 4.6. Prior to the section 15(1)(b) notice being issued the solicitors for the estate has issued contract for sale for both parcels of land and entered into concurrent negotiations with the legal representatives of Mary Coffey to complete and finalised the terms of settlement of the court order dated 20th January 2011. It is requested that the local authority withdraw the section 15 (1)(b) notice and to allow the property to be sold by way of voluntary sale to the proposed purchaser. Or in the alternative request that An Bord Pleanála refuse the application of the local authority to acquire the property as contained in Folio LK 7358 by way of compulsory acquisition, in order to allow the estate to sell the property as contained in LK7358 and in Folio 23873 (Part) to the proposed purchaser.

Addendum objection

- 4.7. An addendum objection dated the 16th December 2022 was also submitted to LCCC. Enclosed with the addendum objection is a signed contract for sale of the property. It

is requested that LCCC withdraw the section 15(1)(b) notice, in advance of referring the matter to An Bord Pleanála, or if the same is not withdrawn that An Bord Pleanála refuse their consent to the proposed acquisition of the land by LCCC. LCCC acknowledged the addendum is in addition to the objection already made and confirmed that LCCC will make an application to An Bord Pleanála for consent to the acquisition compulsorily of the said site.

- 4.8. The addendum objection raises issues relating to the procedures undertaken in serving the section 15(1)(b) notice on every owner. There are five beneficial owners who should have been served with a section 15(1)(b) notice. Four of these beneficial owners are not clients of Richard R. O'Hanrahan Solicitors and Law Agents. It is contended that section 15 has not been complied with and that in the absence of complying with the requirements of the Act, may be determined to be void, invalid and or ultra vires. Again, it is requested that the section 15(1)(b) notice be withdrawn on the basis that it has not been properly served on every owner in accordance with the Act.
- 4.9. Notwithstanding the legal issues raised above, the objector sets out the engagement undertaken with LCCC to commence remedial works. It is put forward that of the 22 items (one of which was not required) that of the remaining 21 items that they had commenced or completed 18 items on the list provided by the council. At meeting between Susan Bailey and the council inspector of 29th September 2021, it is stated that the local inspector indicated that they were happy with the progress at that time, particularly in light of Covid-19 and that the property was on the market with six offers. All bidders were being requested to produce evidence of funds to substantiate their bid and all interested parties were required to obtain quotation for the removal of asbestos.
- 4.10. It is stated that no enquiry was made by LCCC as to the sale status of the property before the section 8(7) notice was issued in July 2022. The sale of the lands was agreed on 8th August 2022 on foot of a deposit paid by the purchaser. Contract for sale dated 12th December 2022 included in exhibit SB19. The purchaser's solicitor sets out in their letter dated the 12th December 2022 that it is the purchasers intentions to clear the site immediately and apply for planning permission for a family home and a granny flat for an elderly relative. The objector requests that an application by the council to compulsorily acquire the property be withdrawn or be

declined by An Bord Pleanála to allow the owners to complete the sale and allow the purchaser time to clear the site, apply for planning permission and carry out the said works to remove the property from the derelict site register.

4.11. The Board wrote to the LPR of the estate of Sean Kearns c/o Richard R. O'Hanrahan on the 3rd February 2023 seeking any observations regarding the proposed compulsory acquisition of the site by LCCC. Due to an acknowledged administrative error made in issuing the initial letter a second letter was issued with a new date of response as 28th February 2023.

4.12. **Local Authority's Application for Consent**

4.13. The local authority requests the consent of the Board to the compulsory acquisition of the derelict site. The application for consent was submitted on 25th January 2023 and was accompanied by the following:

- Compulsory Acquisition Report.
- Derelict Site Location Map.
- Copy of the Section 15 Notice issued to the owner.
- Copy of the newspaper notice, dated 19th November 2022.
- Copy of objection letter and acknowledged response.
- Site inspection photographs of the property from the case file.

4.14. The **Compulsory Acquisition Report** can be summarised as follows:

4.15. 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.

Matters that are taken into account by the Dereliction and Vacancy Team include:

- outstanding planning permissions,
- evidence of efforts to address vacancy and dereliction,
- security, safety to the public and condition of the site,
- the conservation value of the building and requirement for remedial restoration works, and
- the feasibility of various actions to make good the site and find viable uses for the site.

- 4.16. The property was first inspected on 19th April 2012 and a derelict site case was opened. The submitted compulsory acquisition report states that on 11th May 2012 a notice of intention to enter the site on the derelict sites register under section 8(2) of the Derelict Sites Act 1990 (as amended) along with a list of remedial measures was sent to Mr. Sean Kearns at 3 Rossa Avenue, Mulgrave Street, Limerick. The report states that the remedial measures were not completed, and the property continues to fall further into dereliction. I note for the record that the death of Sean Kearns is stated to have occurred on the 27th September 2000 and there is a lack of clarity as to who the section 8(2) notice was served on and/or received by.
- 4.17. On 11th March 2021 a site inspection was completed and found that land to be in a very derelict state and a letter issued to O'Hanrahan Solicitors seeking an update on the latest developments in relation to the site. Hanrahan solicitors' informed LCCC that Susan Bailey (daughter of the deceased) has the legal right to conduct affairs regarding her father's property.
- 4.18. On 19th April 2021 a second notice of intention to enter the site on the derelict sites register was affixed to the site. On 19th May 2021 the site was reinspected and there was no improvement to the condition of the property and community members informed the inspecting officer from LCCC that the Garda were called to the property on several occasions to deal with anti-social behaviour.
- 4.19. A site meeting was held on 25th May 2021 with Susan Bailey (daughter) and Orlaith Bailey (granddaughter) along with Anne-Marie and Sean O'Hanrahan of O'Hanrahan solicitors and Gordan Kearney, Auctioneer. LCCC were informed that two previous sales of the property had fallen through due to a family dispute. LCCC inspector discussed a list of measures that were to be completed, followed up with a list of

remedial measures being issued in writing on 28th May 2021, and all parties agreed that work would start shortly and to meet again on 23 July 2021 to inspect progress of the works.

- 4.20. The report states that on the 23rd June 2021 (I highlight to the Board that this may be a typographical error as the preceding paragraphs in the report refer to an agreed meeting on 23 July 2021) a meeting on site was held with Susan Bailey, Orlaith Bailey and O'Hanrahan solicitors to review works carried out. It is noted that some works were carried out, but the site was still derelict and agreement to review progress again in August 2021. The site meeting in August indicated some progress with cleaning up the site. A further meeting in September noted that works were still not completed.
- 4.21. On 2nd November 2021 Orlaith Bailey (granddaughter) emailed LCCC to advise that another part of the family has accessed the property with a view to selling the property without their consent and this was affecting other potential buyers. Further inspections were carried out in January, April, and July 2022 which confirmed that progress with dealing with the dereliction on site has stopped and fallen into further dereliction. In July 2022 the section 8(7) notice of entry of land in the derelict sites register was served by registered post and affixed on site on 20th July 2022. As the site continued to be in a derelict state LCCC gave notice of intention to acquire the derelict site compulsorily to the owner, affixed to the land and also advertise in the Limerick Post newspaper of 19th November 2022.
- 4.22. They contend that it is the inaction of owners and the failure of their duties under the Derelict Sites Act, 1990 (as amended) that jeopardises the future use of property in the area due to their continued neglected and derelict state. It is stated that the property continues to deteriorate and attract negative attention in a key residential area.
- 4.23. LCCC state that they cannot confirm or deny that there have been many attempts to sell this property, or that such as volume of bids for the property recited in the submission have been meaningful. Unfortunately, they note that the site continues to attract anti-social behaviour and the subject of complaints from the local community. They conclude that without this course of action now this property will continue to remain in a very derelict state.

4.24. Objector's Submission

- 4.25. A preliminary objection and comment to the application of LCCC was issued by post and email on the 17th February 2023 from Richard R O'Hanrahan Solicitors on behalf of the estate of Sean Kearns (deceased) at Killonan, Castletroy (the objector).
- 4.26. It is contended that the Derelict Sites Act, 1990 and the Interpretation Act 2005 are the only relevant Acts for the calculation of time periods for Section 16(4) of the Derelict Sites Act. Section 251 of the Planning and Development Act 2000 does not apply to section 16(4) of the Derelict Sites Act, 1990. The application by LCCC for the consent of An Bord Pleanála to compulsory acquire this alleged derelict site under the Derelict Site Act was not made within one month after the expiry time in which the objection was made [16th December 2022].
- 4.27. The objector requests that An Bord Pleanála deem the purported application invalid for failing to comply with the statutory time limit. Given there is no appeal mechanism, the objector states that if the application is not invalidated, they will have to apply to the High Court for an order for prohibition and seek to recover the costs of same.
- 4.28. A follow up submission of observations was received on the 28th February 2021 from the objector. This submission included:
- Copy of letter to An Bord Pleanala dated 28th of February 2023
 - A true copy of the objections dated the 13th of December 2022
 - A true copy of the addendum objections dated the 16th of December 2022
 - A true copy of a letter by Richard R. O'Hanrahan Solicitors dated the 17th of February 2023
 - A true copy of an email of David J. O'Meara & Sons Solicitors dated 28th of February 2023
 - A true copy of the Estates comments and further submissions dated 28th February 2023
- 4.29. The email of David J. O'Meara & Sons Solicitors relates to the prospective purchaser of the site (Paul O'Connor in trust) seeking clarification on the likely timeline in relation to a decision from An Bord Pleanála in respect to the application for

compulsory acquisition. It is confirmed in the letter the prospective purchaser has made enquiries with LCCC to organise a pre planning meeting, money is available to complete the purchase and that work men are on standby to clear the site and remove the asbestos from the site as soon as matters can progress.

- 4.30. The further submission, dated 28th February 2023, by the Estate of Sean Kearns (deceased) is sent without prejudice to the fact that the matter of the proceedings are invalid by reasons of non-compliance with section 16(4) of the Derelict Sites Act 1990 as set out in the letter dated 17th February 2023. It is stated that the copy documentation furnished by LCCC to An Bord Pleanála of the objection and addendum objection is of a poor copy quality and attached to this submission is a true copy of both. The submission repeats and restates the objections already made and identifies concerns relating to the submitted Compulsory Acquisition Report of LCCC with respect to alleged site inspections where prior notice was not given on the 11th March 2021 and the 19th May 2021 and photographs have not been included or identified. They rebuke the allegation that An Garda Síochána have attended the property as this has not been verified by any third party or An Garda Síochána.
- 4.31. In the further submission it is also an issue of concern that LCCC whilst providing a list of remedial works did not go so far as to provide a section 11 notice which would have afforded the estate a reasonable procedure and period of time to address the matters. Despite this issue the estate has substantially attended to and sought to address the remedial works and denies that there is 'inaction' by the property owners. It is clarified that it has always been the intentions of the Estate since 2007 to arrange the sale of the property and that the statement from LCCC that a family member was not in agreement with any sale is not accurate or correct. The Estate is disappointed that LCCC did not consider the contents of the objections and its exhibits (dated 13th and 16th December 2022) and reply to the Estate before making the application to An Bord Pleanála. It is requested that An Bord Pleanála refuses consent to the acquisition of the property.
- 4.32. A third letter dated 14th March 2023 from the objector was returned as being received outside of the period provided for making objections which expired at 5:30pm on the 28th February 2023.

4.33. **Local Authority Response to the Objection**

4.34. None

5.0 **Planning History**

5.1. None.

6.0 **Policy Context**

Limerick City and County Development Plan 2022-2028

- 6.1. One of the strategic objectives for Limerick (Chapter 1) is to facilitate revitalisation and consolidation of the City through public realm and place-making initiatives, including addressing vacancy and dereliction to create compact attractive, vibrant and safe environments in which to live, work, visit and invest (1.3.4).
- 6.2. The themes of revitalisation of towns and villages and the delivery of compact growth are central to the Core Strategy (Chapter 2) and the Spatial Strategy (Chapter 3).
- 6.3. Policies CGR P1 and CGR P4 set out how this can be achieved including development of brownfield and underutilised lands within the built footprint of urban areas and actively addressing dereliction and vacancy. One of the measures required to create compact, dense and sustainable urban centres is 'Active Land Management' (3.3.2) which is envisaged as important to bring vacant and underutilised land in urban areas into beneficial use (Policy CGR O4). Key legislative measures to facilitate this include the powers under the Derelict Sites Act 1990.
- 6.4. It is noted (3.3.2.2) that derelict sites can have a negative impact on the social, visual and commercial aspects of a neighbourhood. Limerick City and County Council is proactive in identifying and seeking the improvement of such sites to address incidences of decay, prevent deterioration of the built fabric and bring buildings back into active use.
- 6.5. Objective CGR O6 – Derelict sites – seeks to utilise the provisions of the Derelict sites Act 1990, including the maintenance of the Derelict Sites Register and CPO powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use.

- 6.6. The site is unzoned and located in a designated rural area: 'Area of strong urban influence' within the defined Metropolitan Area Spatial Strategy (MASP) in Limerick. Policy CGR P3 seeks to strengthen and consolidate Limerick City and Suburbs (in Limerick), Mungret and Annacotty as a key driver of social and economic growth in Limerick.

Derelict Sites Act 1990 (as amended)

- 6.7. 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.
- 6.8. 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."
- 6.9. 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.
- 6.10. 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.
- 6.11. 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.

- 6.12. 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.
- 6.13. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.14. 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 draw the Board's attention to the date of application by Limerick City and County Council for consent for the compulsory acquisition of the derelict site at Killonan, Castletroy, Limerick made on the 25th of January 2023. The Board should satisfy itself with respect to the validity of the application having regard to the applicable statutory period under the Derelict Sites Act, 1990 (as amended).
- 7.2. The immediate site context is a rural area characterised by ribbon development of large single and two storey detached properties on large plots serviced by private wastewater treatment units. Immediately adjacent to the south of the subject site is 'Rose Cottage' an attractive well maintained residential dwelling. To the north is an open agricultural field. Internal access was not possible. I carried out my site inspection from the public road and front garden.
- 7.3. The site at Killonan contains the ruins of the residential property, stated as being damaged by fire in 2005, surrounded by very attractive tall mature trees and well screened from the public road from the front and along both side boundaries. The roof structure is not intact, and the window openings partially blocked up with boarding. The garden has become very overgrown and is enveloping the remains of the building. Although there is evidence that some of the vegetation has been cut back. The gateways to both vehicular entrances to the site had been left unsecured. Some rubbish was evident just within the gateway entrance.

- 7.4. I consider that the property falls within the categories (a), (b) and (c) of section 3 of the Derelict Sites Act, 1990 (as amended). In terms of (a) the structure is in a derelict condition with a damaged roof and, partially boarded up windows. In terms of (b) the property is neglected and unsightly and in an objectionable condition. With respect to (c) there is rubbish evident in the front garden. I consider that the property detracts, to a material degree from the amenity, character and appearance of land in the neighbourhood which renders it as derelict under section 3 of the Act.
- 7.5. I note the actions of the local authority and the statutory notices served in respect of the derelict site. I also acknowledge that the objector disputes the legality of the notifications in respect to the section 8(2) notice not having issued directly to the assigned LPR for the estate and the section 15 (1)(b) not having been issued to each of the beneficial owners of the estate.
- 7.6. Notwithstanding the identified disputed legality of the serving of notices, the objection made by Susan Bailey acting as LPR on behalf of the estate indicates that they have fully engaged with the local authority. The LPR has taken steps to implement a number of the identified remedial actions required by the local authority and had as of August 2022 agreed the sale of the property with deposit paid subject to clarification of details with respect to the list of remedial works as issued by the local authority. The sale agreement was reached shortly after the serving of the section 15 notices, requiring an amendment to the proposed contract to be agreed, final contract for sale signed and dated 12th December 2022. A deposit has been paid with signed contract in place, copies of which have been provided. The purchaser has been advised of the serving of the notice and has expressed interest in proceeding with the sale. Correspondence on behalf of the purchaser confirms this interest and their intention to apply for planning permission for a family home and a granny flat for an elderly relative.

8.0 Conclusion

- 8.1. I am not satisfied that: the process and procedures undertaken by Limerick City and County Council have been fair and reasonable, that the local authority has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.

- 8.2. Having regard to the constitutional and Convention protection afforded to property rights, I consider that the acquisition of the derelict site comprising a bungalow dwelling with ruinous outbuildings and surrounding land situate at Killonan, Castletroy, containing 0.350 hectares or thereabouts, as set out in the Derelict Site Notice issued under Section 15 of the Derelict Sites Act 1990 (as amended) and dated 19th November 2022 and on the deposited maps (derelict site shown outlined in red bearing reference No. DS-028-12) pursues, is rationally connected to, a legitimate objective in the public interest, namely to prevent dereliction and decay in the urban and rural environment and bring buildings back into active reuse.
- 8.3. However, I am not satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and am not satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 8.4. Accordingly, having regard to all the information available on the file I consider, that it is appropriate to refuse the Local Authority's application for consent to compulsorily acquire the site at Killonan, Castletroy, Co. Limerick.

9.0 Recommendation

- 9.1. Taking into account the evidence of the LPR of the estate to sell the site and the purchaser's intentions in terms of applying for planning permission for a new dwelling on the site of the fire damaged property to bring the site out of dereliction I consider that it would be appropriate to provide some further time for the site owners to complete the sale and thus enable the site to be redeveloped or repaired.
- 9.2. I recommend, therefore, that the Board refuse consent to Limerick City and County Council to compulsorily acquire the site.

10.0 Reasons and Considerations

- 10.1. Notwithstanding the current observed condition of the application site, having regard to the rural location outside of the city and suburbs boundary for Limerick City and the evidence provided by the LPR for the estate regarding ongoing attempts to sell the property out of dereliction, I consider that it would be appropriate to provide some further time to complete the sale and thus enable the site to be redevelopment or repaired. I am of the opinion that the acquisition of the site by the local authority is not necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site, and that it would, therefore, be appropriate to refuse consent for the compulsory acquisition of the site.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Claire McVeigh

Planning Inspector

25th March 2024