



An  
Bord  
Pleanála

## Inspector's Report ABP-315683-23

### **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**

Bridge Street, Croom, Co. Limerick  
(V35 D654)

### **Local Authority**

Limerick City and County Council

### **Notice Party**

James Tangney & Brid Tangney

### **Date of Site Inspections**

23<sup>rd</sup> June 2023

### **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 Bridge Street, Croom, Co. Limerick, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## 2.0 Site Location and Description

- 2.1. Croom is a large village, which is situated approx. 20km south of Limerick City and c.8km to the southeast of Adare in County Limerick. The village is located off the N20, between Patrickswell and Charleville, which is the main road between Limerick and Cork. The R516 which links Ballingarry and Bruff also travels through the village. The River Maigue flows in a N-S orientation through the village and crosses the R516 to the west of the main street. Croom includes several shops and commercial facilities as well as several schools, churches, sporting facilities and a small number of housing estates. The site is located at the western end of Bridge Street (R516), to the west of the junction with the Main Street (R518). This part of Bridge Street is at the edge of the commercial section with mainly residential properties and a few commercial ones such as pubs and restaurants/take-aways.
- 2.2. The site is one of three attached two-storey houses with a pitched slate roof, which are in the same ownership and are the subject of concurrent Derelict Site notices. There is a two-storey public house, The Old Mill Bar to the west, and to the east of the three properties is a further two-storey public house, The Corner House. The three central properties form a terrace with the two public houses at either end. Further to the west is the bridge over the River Maigue. The buildings are all on the Record of Protected Structures and are also on the National Inventory of Architectural Heritage. All three properties are located within an Architectural Conservation Area. The westernmost two properties are recorded on the NIAH register (21828010) as being a shop and a house (R. Cregg) which were formerly two separate properties and date from 1840. The property immediately to the east is listed as a house dating from 1860, (NIAH 21828011).
- 2.3. The shop/house is described as a -

'Terraced four-bay two-storey house and former shop.... having a timber shopfront...., pitched slate roof with brick and rendered chimneystacks, lined and ruled rendered walls...'

The detailed description includes the square-headed openings, the sliding sash windows, the carved console to the shopfront supporting fascia, the panelled shutters and double-leaf doors. It is stated that it is an attractive terraced house and commercial premises and that it makes a positive contribution to Croom streetscape. The shopfront is highlighted as being of particular interest as the fascia board is very well crafted.

- 2.4. The adjoining house to the east (21828011) is described as a terraced two-bay two-storey house with a pitched slate roof, rendered chimneys and lined-and-ruled rendered walls. The window openings are described as being square headed with tripartite timber casements. The door surround is described as having an elliptical-headed opening with fluted rendered pilasters and scrolled consoles supporting the architrave. It is stated that the building retains much of its original form, which is distinguished by the render door surround and that the timber casement windows add further interest to the structure.
- 2.5. On the date of my site inspection, (23/06/23), the property was secure with the front door and ground floor windows screwed shut. I was unable to gain access to the interior of either of the three properties or to the rear gardens. However, I was able to view them from the public street and from the rear lane and parking area to the north.
- 2.6. The front façades are rendered and painted and appear to be in reasonably good condition apart from peeling and stained paintwork. The red paint on the front doors of the shop and adjoining house is flaking off and dirty. Vegetation was growing out of the chimneys. The downpipes were either broken or missing. The rear of the properties are in a very neglected and exposed state with broken or boarded up doors and windows and part of the rear wall of the middle property is missing. The rear annexe appears to have been demolished and the building would be exposed to the elements, if not for a timber hoarding. The rear roof slopes are in very poor condition with missing and broken slates, moss and vegetation growing out of the eaves and broken roof lights. The rear yard was overgrown and covered in weeds.

### **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 three sites 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 8(2), on 15<sup>th</sup> March 2021, (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 23<sup>rd</sup> September 2021, (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 each of these three sites compulsorily was issued separately on the 19<sup>th</sup> of November 2022 and were published in the Limerick Post newspaper on the 19<sup>th</sup> of November 2022.

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

- A derelict site comprising a two-storey, mid-terrace residential premises and surrounding land situate at Bridge Street, Croom, Co. Limerick V35TN50, containing 0.020 hectares or thereabouts. 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-015-21 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 COB Architects on behalf of the owner on the 2<sup>nd</sup> of December 2022. The objection can be summarised as follows:

- The owners, James and Brid Tangney, acquired an interest in this property and the adjoining two properties in 2009. It is their intention to conserve and restore all three properties as individual residential units.
- Catherine O'Brien (COB Architects) has been retained to oversee the conservation works. It is her intention to engage with the Conservation Officer for Limerick City and County Council to ascertain what works can take place under a section 57 Declaration and what works will need planning permission.

#### **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 the 24<sup>th</sup> of January 2023 and was accompanied by the following:

- Local Authority Compulsory Acquisition Report 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 notices served, dated 19<sup>th</sup> November 2022.
- Copy of the newspaper notice, dated 19<sup>th</sup> November 2022.
- Copy of objection made by COB Architects on behalf of James and Brid Tangney, dated 2<sup>nd</sup> December 2022.
- Copies of correspondence between LCCC and the architect acting for the owners dated 24/11/22, 5/12/22, 15/12/22 and 19/12/22.
- Photographs from the case file of the derelict property.

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 three derelict properties are located on Bridge Street in the centre of the town. They are situated close to the roadside of the busy main road and thoroughfare through Croom town, which performs an important regional function. It has a concentration of civic amenities including national and secondary schools and a church and provides a wide range of retail and business services to both the resident population and to the wider catchment.
- These sites are in close proximity to the Croom Civic Centre, Croom National School, a recreation walking path to the community Park, the RC church, a supermarket, public houses and other retail premises. The sites are also very close to the River Maigue which is frequented for recreational and amenity purposes. All of the buildings are on the Record of Protected Structures and two of them are listed on the NIAH. All three sites are also located within the Croom ACA.
- The three terraced houses are vacant and have been in a derelict condition for a considerable period of time. The sites detract in a great way from the well-maintained land and properties in the vicinity and will draw the eye of anyone upon entering the town. They include three two-storey dwellings and

one with a shopfront, which are set on the street's footpath. They stand on sites with areas of 0.051ha, 0.020ha and 0.016ha, respectively.

- Some indicators of dereliction at these sites include at the front, defective rainwater gutters, dirty facades, peeling paint, blocked up windows. To the rear, there are partially demolished/ruinous buildings, loose masonry or falling plaster, holes in the roof, loose and slipped slates, missing or broken/leaking rainwater goods and downpipes, broken, missing or boarded up windows and doors, plants growing out of the roof, rotten timbers, overgrowth of vegetation, some debris and waste and ill-defined boundary security.
- It was first brought to the attention of the Local Authority in February 2021, at which point a **Derelict Site case** was opened, **DS-015-21**. Land Registry and planning searches were carried out in an attempt to establish ownership. The Derelict Sites are not registered on the Land-direct system of the Property Registration Authority of Ireland. However, James Tangney and Brid Tangney provided documentation of ownership in December 2022.
- The Local Authority decided to issue a Section 8(2) notice on 15<sup>th</sup> March 2021 of its intention to enter the property onto the Register of Derelict Sites. The owners engaged with the local authority on the 9<sup>th</sup> of April 2021 by confirming that they owned the three sites on Bridge Street, Case Refs. DS-015-21, DS-016-21 and DS017-21. Mr Tangney was invited to forward proof of ownership to the L.A. and to outline his intentions.
- At a site meeting on the 14<sup>th</sup> of April 2021, the owner outlined his plan to renovate the properties and to put them back into residential use but stated that he did not have the funds to do so at that time. However, he agreed to tidy up the front while formulating his plans.
- Following a further inspection in September 2021, it was the opinion of the inspecting officer that the property was still in a derelict condition. A Section 8(7) Notice was issued on 23<sup>rd</sup> September 2021 stating that the particulars of the land had been entered into the Derelict Site Register.
- On the 9<sup>th</sup> of September 2022, at a site meeting with LCCC, the owner said he was going to re-roof the properties and bring them back into use.

- Following a further inspection in November 2022, it was deemed that no effort had been made to address the dereliction since the case opened in 2021. It was decided to issue a Section 15 Notice of intention to acquire the property compulsorily under the Derelict Sites Act 1990 on the 19<sup>th</sup> of November 2022.
- An objection to the Section 15 notice was submitted by Catherine O'Brien Architect on behalf of the owner on 24<sup>th</sup> November 2022, which was followed by the submission of documentary evidence regarding the ownership. The objection was acknowledged on 22/12/22.
- The Local Authority intends to pursue the compulsory acquisition of the three derelict sites. It is the contention of LCCC that it is the inaction of property owners and 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. In this case, the property continues to deteriorate and attract negative attention in a key residential area.
- It was noted that in the objection submitted by Catherine O'Brien, it is the stated intention of the owner to renovate the properties for residential use. However, it remains a concern for the L.A. that these sites continue to be in such condition for such a long period of time, despite the commitments of the owner to bring them back into use.

#### 4.5. Objector's Submission

- 4.5.1. No submissions were made to the Board by the owners or their agents in response to the Section 15 Notice.

### 5.0 Planning History

#### 5.1. Application Site

- 5.1.1. No information was submitted regarding any relevant planning history on the site. However, having reviewed the planning authority's website, it is noted that a planning application has been submitted by the current owners subsequent to the lodgement of the application to compulsorily acquire the site (P.A. Reg. Ref. **23/60064**). This related to all three properties and sought permission for the



conservation and renovation of the 3 dwellings and their use as three separate 3-bedroomed residential units with an extension to the rear.

- 5.1.2. **23/60064** – Planning permission granted by the P.A. for conservation and renovation of 3 no. adjoining terraced properties at Bridge Street, Croom, Co. Limerick (V35 D654, V35 KN81, V35 TN50), for use as three no. separate 3-bedroomed residential units with a small two-storey new-build extension to the rear of each property, the demolition of 2 later edition dilapidated annexes also to the rear and all associated site works.

## 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 2022-2028

- 6.1.1. One of the strategic objectives for Limerick (Chapter 1) is to ensure the revitalisation and consolidation of urban areas 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). The theme of revitalisation and delivery of compact growth is central to the Core Strategy (Chapter 2) and the Spatial Strategy (Chapter 3). **Policy CGR P1** sets out how this can be achieved including development of brownfield and underutilised lands within the built footprint of urban areas. 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.
- 6.1.2. 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.

**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.

6.1.3. Croom is designated as a Level 4 Large village in the Settlement hierarchy, with a population of 1,159 in 2016 and a forecasted population of 1,484 by 2028 (Table 2.7), representing an increase of 28%. Level 4 Large Villages are described (3.70 as catering for the daily and weekly needs of both the inhabitants and of the surrounding catchment area. They include primary and secondary schools, childcare facilities, sports facilities, libraries, Garda stations, medical centres and a good range of local services including shops, pubs, post offices and banks/credit unions. It is stated that in order to realise the consolidation of these towns/villages, development will be encouraged to be delivered in a sustainable, sequential manner from the town/village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and buildings.

6.1.4. Chapter 4 sets out the policies and objectives relating to housing. Section 4.2.6 relates to Re-Use of buildings. Relevant objectives are as follows:

**HO O4** – to encourage redevelopment and reuse, including energy retrofitting of existing housing stock and conversion of other suitable buildings to sustainable accommodation.

## 6.2. **Croom Local Area Plan 2020-2026**

6.2.1. The site is zoned **Town Centre**, the objective for which is to protect and enhance the character of Croom’s town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre, while guiding development of an expanded consolidated town centre area. At 2.3 it is stated that Croom performs an important market and service function for the resident population and the surrounding hinterland. The services and business in the town are listed as including a supermarket, a pharmacy, a car sales premises, a bakery, butchers, a number of public houses and restaurants. It is stated that there is scope to enhance the town centre’s service base through the redevelopment of a number of underutilised and derelict buildings along the main street.

6.2.2. **Section 4.6 – Derelict and Vacant Sites** – it is stated that there are 15 vacant dwellings within Croom town centre. The general approach is to seek timely actions and improvements of sites, through positive engagement with landowners, using powers under the Derelict Sites Act only where necessary and taking into account:

- Outstanding planning permissions;
- Evidence of efforts to address vacancy and dereliction of the site;
- 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.

## **Chapter 8 – Environment and Heritage**

6.2.3. **Policy EH1** seeks to ensure that the archaeological, architectural, natural and the built heritage of Croom is protected.

6.2.4. The site is located within the Recorded Monument LI030-025, classified as the Historic Town of Croom (Code LI030-025001 (HEV)). The site is located within the Croom Architectural Conservation Area B- 19<sup>th</sup> and early 20<sup>th</sup> Century core. Each of the three properties is a Protected Structure and listed in the NIAH Register as follows:

R Cregg’s Shop      RPS 1129      NIAH 21828010

Cregg house      RPS 1130      NIAH 21828010

Tangney’s house      RPS 1131      NIAH 21828011

6.2.5. **Objective EH 01: Protected Structures** – to protect structures entered onto the Record of Protected Structures and to encourage their appropriate reuse and restoration.

**Objective EH 02: Architectural Conservation Area** – to protect, conserve and enhance the ACA as identified in Map Cr-20/26-04. 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, gutters, 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 property was not possible on the date of my site inspection in June 2023. However, there are photographs on the file which indicate the condition of both the front and the rear of the building, and I was able to view the back garden from the rear lane.
- 7.2. The former shop/house ('R. Cregg') is located in the middle of the terrace, with the two related properties to the immediate east, each of which is in a derelict and neglected condition. The shop/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 shopfront is boarded up and the door and fascia are in need of repair and repainting. The paintwork on the front façade is stained, windows are damaged, and there are wires attached to the front wall. The gutters and downpipes are broken and badly stained. The front roof slope is in poor condition with missing or damaged slates and vegetation is growing out of the chimney.
- 7.3. At the rear, an annexe has been demolished and the openings boarded up. There is loose masonry and falling plaster and peeling paintwork. The roof is in a poor condition with loose or missing slates, a broken velux roof light and moss growing on it. Vegetation is growing out of the gutters and bits of the downpipes are either broken or missing. The rear garden is in an unkempt state with debris, weeds and scrub. The rear boundary wall and inter-property boundary walls are missing. The site is secured by an industrial type heras fence.
- 7.4. The building is a Protected Structure, along with the two attached properties to the east, and is located within the Architectural Conservation Area for Croom. It is also a National Inventory of Architectural Heritage (Reg No. 21828010) listed property,

together with the adjoining houses to the east. The property is described in the NIAH appraisal as an attractive terraced house and commercial premises, which was originally two separate structures, and which makes a positive contribution to the streetscape of Croom. The bridge over the River Maigue, which is also a Protected Structure, is located a short distance away to the west.

- 7.5. Croom 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, EH01 and EH02 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 EH01 and EH02 to the importance of the use of materials and finishes, features such as sash windows, gutters, downpipes and decorative plasterwork and 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 listing of the building on the RPS and the NIAH, as well as 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 one of the main streets of the town. The buildings and dwelling houses in the immediate surroundings appear to be reasonably well maintained and occupied, although there are some further derelict or unoccupied sites in the general vicinity, including the adjoining properties to the east. Properties in the vicinity include Croom Civic Centre, a church, a school, a supermarket and several public houses. These properties are generally well-maintained and frequently used centres by the local community. There is also a recreational walking path along the river Maigue a short distance to the west of the site. The derelict condition of the site detracts from the amenity of the buildings in the vicinity. Croom 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 main street and the surrounding residential area.

- 7.8. Although the roof and external walls generally seem to be intact, the damage to the windows, roof and to the rear elevation, has exposed the interior of the property to the elements, and these factors are likely to result in the continual decline of the building. 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. Although the rear garden was overgrown and covered in weeds, I did not observe any specific evidence of items of waste material stored and deposited on the site. It is considered, therefore, that the site does not fall 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 15<sup>th</sup> of March 2021, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently issued on 23<sup>rd</sup> September 2021, advising the owners that the site had been entered on the Derelict Sites Register. Finally, section 15(1)(a) notices were served on 19<sup>th</sup> November 2022 and published in the Limerick Post Newspaper on the 19<sup>th</sup> of November 2022 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 2<sup>nd</sup> of December 2022 to the local authority to the proposed acquisition of the site, stating that it was the intention of the owner to address the issues of deterioration of the condition of the building. It is noted that the owner had engaged reasonably swiftly with the local authority by providing details of ownership and meeting with officials on site in April 2021. However, at the second site meeting in September 2022, almost 18 months

later, no real progress appeared to have been made, which had prompted the local authority to serve the Section 15(1)(a) notices.

- 7.12. Notwithstanding this, the Board should note that the applicant had engaged an architect with conservation credentials from the outset, Catherine O'Brien, who had corresponded directly with the local authority regarding the proposed works. I would also like to draw to the Board's attention that, since the lodgement of the application to compulsorily acquire the property, the owners have applied for and obtained planning permission from the planning authority under Reg. Ref. 23/60064. The application was submitted to the P.A. on the 14<sup>th</sup> of February 2023, which was approx. 3 weeks after the lodgement of the CPO application. The parties were asked for their observations to be submitted by the 23<sup>rd</sup> of February 2023. However, the matter was not brought to the attention of the Board.
- 7.13. Permission was granted (23/60064) on the 1<sup>st</sup> of June 2023 for conservation and renovation of 3 no. adjoining terraced properties at Bridge Street, Croom, Co. Limerick (V35 D654, V35 KN81, V35 TN50), for use as three no. separate 3-bedroomed residential units with a small two-storey new-build extension to the rear of each property, the demolition of 2 later edition dilapidated annexes also to the rear. Permission was granted subject to 19 conditions, many of which related to the protection and conservation of the special features of the Protected Structure. I note from the P.A.'s website that the application had been accompanied by a detailed Conservation Report and that in response to a request for FI, the applicant had provided further details in regard to the historical detail of the existing structures and conservation measures proposed.
- 7.14. It is noted that the policy of the local authority, as expressed in the County Development Plan and the Croom LAP, is to positively engage with the owners of a derelict site and to avoid using the powers under the Derelict Sites Act only where necessary. It is further the local authority's stated position that regard will be had to any planning permissions that may have been granted and the need for remedial works to historic structures. It would appear that the owners have engaged positively with the local authority and have employed specialist advisers with expertise in architectural conservation matters to advise them, and that planning permission has since been granted with the apparent co-operation of the owners and their advisers.



- 7.15. No information has been provided to the Board regarding any further progress since the planning permission was granted. Neither am I aware of any applications for historic structures funding or grants that might be available to the owners. The Board may wish to seek the observations of both the local authority and of the applicant following the grant of this planning permission, in respect of any further progress having been made, prior to final determination of the matter. However, it is considered that there is evidence that the applicants have actively engaged with the local authority to address the issues of dereliction and that given the recent grant of planning permission to refurbish the site, it is likely that the owners will pursue the restoration project in accordance with that permission in due course.
- 7.16. In the meantime, the property is not well secured at the rear and there is no evidence of any works of maintenance having been carried out to the interior or exterior of the building since the notices were served. The photographs provided by the Local Authority which track the changes in the condition of the building between the 17<sup>th</sup> of November 2020 and the 2<sup>nd</sup> of November 2022 show the continual 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 neglected, unsightly and derelict condition.
- 7.17. I would be concerned, therefore, that the remedial works required to restore the protected structures and prevent any further deterioration on the site and adjoining sites to the west and east, are urgent and should be undertaken without undue delay. Thus, should the recently granted planning permission not be implemented in the near future, the site is likely to remain in a derelict condition and the protected structures could be endangered further. I note, however, that the local authority has the option of using either Section 59 of the Planning and Development Act 2000 (as amended) or its powers under Section 11 of the derelict Sites Act 1990 (as amended) to require the owner to take specified measures to address the dereliction of the property, should this be deemed necessary.
- 7.18. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, it is concluded that the property constitutes a derelict site. Notwithstanding this, it is considered that there is evidence that adequate efforts are being made to bring the property back into use and to

render it non-derelict, and that as such, sufficient time should be afforded to the notice parties to conclude these works. It is considered, therefore, that it is appropriate to **refuse** the Local Authority's application for consent to compulsorily acquire the site at **Bridge Street, V35 D654, Croom, Co. Limerick**.

## 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. It is further considered that the acquisition of the site by the Local Authority is warranted in order to render the site non-derelict and to prevent it continuing to be a Derelict Site.
- 8.2. However, having regard to the recent grant of planning permission by the Planning Authority under Reg. Ref. 23/60064 for the restoration and extension of the property since the application for compulsory acquisition was lodged, it is likely that the Notice Parties will continue with their efforts to bring the property back into use and to address the dereliction of the site. It is therefore considered unreasonable that the Local Authority seeks to compulsorily acquire the land, under section 14 of the Derelict Sites Act. I recommend, therefore, that the Board refuses consent to Limerick City and County Council to compulsorily acquire the site.

## 9.0 Reasons and Considerations

- 9.1. Notwithstanding the current neglected, unsightly and objectionable condition of the site, which detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, taking account of the grant of planning permission on the 1<sup>st</sup> day of June 2023 for conservation and restoration of the property together with the adjoining properties to the east and west, under P.A. Reg. Ref. 23/60064 which aims to address the issues of dereliction and to bring the property back into use, the Board decided 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.

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Mary Kennelly

Senior Planning Inspector

22<sup>nd</sup> September 2023