



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317502-23

#### Development

Application for consent for compulsory acquisition of a derelict site in accordance with Section 16 of the Derelict Sites Act 1990, as amended

#### Location

7 O'Callaghan Avenue, Kileely, Limerick

#### Local Authority

Limerick City and County Council

#### Notice Party

The Legal Representatives in the Estate of Sean Reeves.

#### Date of Site Inspection

8<sup>th</sup> January 2024.

#### Inspector

Niall Sheehan

## **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 7 O'Callaghan Avenue, Kileely, Limerick City, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## **2.0 Site Location and Description**

- 2.1. Site is located at 7 O'Callaghan Avenue, Kileely, Limerick which is located c.150m to the east of the R464 Ballynanty to Parteen Road to the northern side of the city, c.1km north west of Thomond Bridge (over the River Shannon). The site is an end terrace house (terrace of 4 no.) containing an attached single storey garage on a site and measuring approximately 0.038ha. in overall area. The site is not located in an Architectural Conservation Area or subject to any designations.
- 2.2. From a study of local authority photographic surveys (06/11/2020, 15/06/2022, 14/07/2022, 12/08/2022, 30/01/2023, 03/04/2023, 04/05/2023), Google Maps (March 2022) followed by a site inspection, the site and property appears to have been vacant and in a derelict condition for a considerable time period. I made the following observations which confirm those of the local authority.
- 2.3. There is a split in the chimney shared with No.5 O'Callaghan Avenue, the gutter to the front elevation is missing, there is a loose cable hanging from the roof to ground level to the front elevation, the front elevation walls are stained with paint peeling.
- 2.4. The attached garage is also ruinous by way of structural crack running through the front and flank elevations and collapsed asbestos roof (lean-to-roof).
- 2.5. There is also ivy growing to the flank elevation of both the dwellinghouse and the attached garage and this appears to be encroaching into the adjoining neighbour's residence at No.33 Hogan Avenue.
- 2.6. There is no boundary treatment to the front of the property along the footpath allowing free access to the front and side of the site. The front and side gardens are overgrown and unmanaged. Access to the rear of the site was not available on day of site visit.

- 2.7. Other properties to the host terrace appear well kept. The surrounding estate which contains similar style dwellinghouses which also appear to be well kept.

### **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 30<sup>th</sup> June 2023, (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 3<sup>rd</sup> May 2023, (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**

- 4.1.1. Notice of Limerick City and County Council's intention to acquire the site compulsorily was served on John O'Lee & Co. Solicitors on behalf of behalf of Sean Reeves (otherwise known as John) in a letter dated 3<sup>rd</sup> May 2023. This was published in the Limerick Post newspaper on Saturday 6<sup>th</sup> May 2023. The site was described as follows in the notices:

'A derelict site comprising of an end of terrace, two-storey, residential dwelling and surrounding land situate at 7 O'Callaghan Avenue, Kileely, Limerick, containing 0.038 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 the map bearing reference no. DS-120-21 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act 1990'.

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

## **4.2. Objection to Acquisition**

An objection to the proposed acquisition was submitted to Limerick City and County Council by John O. Lee Solicitors on behalf of Sean Reeves on the 1<sup>st</sup> June 2023 and can be summarised as follows:

- This is not a straightforward matter and not a situation where the property is being left deliberately slide into a state of disrepair.
- The property is the only asset in the estate of Mr. Reeves which an application for Grant of Letters of Administration with Will Annexed is currently with the High Court Probate Registry at Limerick for issue.
- Once the grant has issued the matter of the above property, this will be dealt with and sold to enable distribution amongst beneficiaries;
- Request that the property be taken off the derelict sites register given it is part of a probate matter.

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

### **4.3.1 Derelict Site Report**

4.3.2 The Local Authority requests the consent of the Board to the compulsory acquisition of the site. The application for consent was submitted on the 30<sup>th</sup> June 2023 and was accompanied by the following:

- Compulsory Acquisition Report;
- Derelict Site Location Map;
- Copy of Section 15(1)(b) Notice to acquire site issued to owner dated 28<sup>th</sup> April 2023;
- Copy of Section 15(1)(a) Newspaper Advertisement dated 6<sup>th</sup> May 2023;
- Photographs of the property from the case file (dated 04/05/2023, 03/04/2023, 30/01/2023, 12/08/2022, 14/07/2022, 15/06/2022, 06/11/2020)

#### 4.3.3 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. The team focuses on bringing derelict and vacant sites back into use, particularly in areas of high housing demand, city, town and village centres. 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 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 and requirement for remedial restoration works, and;
  - The feasibility of various actions to make good the site and find viable uses for the site.

4.3.4 The property first came to the attention of the local authority on the 6<sup>th</sup> of November 2020. It had a Derelict Site Case opened in 2018, Ref. DS-120-21, when first inspected. It has remained vacant and derelict since.

4.3.5 The property was inspected on a number of occasions since by the local authority. Photographs from each inspection are included and show extent of dereliction. Photographs include 04/05/2023, 03/04/2023, 30/01/2023, 12/08/2022, 14/07/2022, 15/06/2022, 06/11/2020.

4.3.6 It is stated that the building is vacant, has been in a derelict condition for a considerable time and the site detracts from the well maintained properties in the vicinity. It is stated there is loose and slipped roof tiles, the guttering on the dwellinghouse is damaged, leaking and full of vegetation, there is loose cabling hanging from the roof (all to the front), the façade of the dwellinghouse is dirty with

paint peeling from the walls, the windows and door of the attached garage are boarded up, there is a large amount of vegetation overgrowth to the rear of the site ,and, the front and side gardens are unkempt. There is ivy growing on the flank elevations of both the dwellinghouse and the attached garage and this also seems to be encroaching into No.33 Hogan Avenue adjacent.

4.3.7 A Section 8(7) notice of the local authority's intention to enter the land onto the Derelict Sites Register was issued on the 18<sup>th</sup> of August 2022. The owners objected on the 1<sup>st</sup> June 2023 which was acknowledged by LCCC on the 7<sup>th</sup> June 2023. The site was put on the register and has remained on since.

#### **4.4 Objector's Submission:**

An objection to the proposed acquisition was submitted to An Bord Pleanála from John O. Lee Solicitors to An Bord Pleanála on the 26<sup>th</sup> July 2023. The objection can be summarised as follows:

- Rowan Fitzgerald Auctioneers have been dealing with the matter and met Maurice Somers, Local Area Derelict Inspector, LCCC onsite;
- We previously informed LCCC that Sean Reeves was a single man with no children and entered into the nursing home system in November 2018 and since then his house has remained empty;
- Mr. Reeves looked after his own affairs until he went into a nursing home system;
- Mr. Reeves passed away aged 88 years on the 25<sup>th</sup> July 2021;
- We are currently in the process of dealing with an Extraction of a Grant in his estate and expect the same will be dealt with in a short time frame;
- Matter of the Extraction of Grant have taken a significant period of time as Mr. Reeves passed away during Covid in addition to not having made a will;
- Mr. Reeves was close to his sister Annette (in Ireland) who has dementia and she was therefore unable to look after his estate. His niece/her daughter (Jane Hayes) is a client of ours who is the only one able to help with the matter. She is not a beneficiary to the estate and is representing her family on the matter. She is also acting under power of attorney for her aunt Betty Gijanto (also sister of the

deceased, now resident in the United States of America). Mr.Reeves other two siblings are deceased;

- The beneficiaries of the estate of the late Sean Reeves are his sister Annette (mother of Jane Hayes), his sister Betty in the USA, and, the children of two pre-deceased siblings;
- Subsequent to the death of Sean Reeves, his niece Jane Hayes had the house cleaned, emptied and secured by getting a new backdoor installed;
- There were no monetary funds in the estate which could be utilised to repair the property;
- It is stated that there was no objection to purchase by LCCC, however it is considered that LCC could have engaged directly and it was not considered necessary to serve compulsory purchase order;
- Ms. Hayes previously made enquiries with builders on behalf of owner. None were in a position to carry out works without payment upfront. Jane Hayes is not a beneficiary, hence not in a position to pay upfront;
- Ms. Hayes has continuously engaged with LCCC through her representatives Rowan Fitzgerald (Auctioneers & Estate Agents) and John O.Lee Solicitors;
- Stated LCCC could have engaged directly to purchase subject property in private capacity which would be favourable and save time, effort, expense and avoid fine imposed to derelict site equal to 7% of the market value of the land charged on 1<sup>st</sup> January 2023.

## **5.0 Planning History**

None

## **6.0 Policy Context**

### **6.1 Legislation**

**Planning and Development Act 2000 (as amended and consolidated)**

### **6.2 Development Plan**

Limerick City and County Development Plan 2022-2028

- 6.2.1 The applicable Development Plan is the Limerick City and County Development Plan 2022 – 2028. This plan became effective on the 29th of July 2022, which was after the site was entered on the Derelict Sites Register and after the owner of the property was notified of the local authority's intention to acquire it by CPO.
- 6.2.2 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.
- 6.2.3 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.

6.2.4 Policy ECON P1 seeks to support the implementation of Limerick 2030 – An Economic and Spatial Plan to guide the economic, social and physical renaissance of Limerick City Centre and the wider county/Mid-West Region.

6.2.5 The site is zoned City Centre Area, the Zoning Objective for which is to protect, consolidate and facilitate development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.

6.2.6 Chapter 11: Development Management Standards

The Moyross Regeneration Area

The Moyross Regeneration Area covers approximately 200ha. (494 acres) and spans almost 2 kilometres from west to east and 1.8 kilometres north to south

O’Callaghan Avenue and the wider Kileely area is located c.160m to the east of the Moyross Regeneration Area which is to the west of the R464.

Objective M01 refers to an improvement of the upkeep of the streetscape amongst other matters.

### **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.

6.3.4 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.

6.3.5 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.

6.3.6 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.

6.3.7 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.

6.3.8 Section 23 provides that derelict sites shall be charged, levied and paid for in respect of all urban land in relation to which a market value has been determined and stands entered on the register.

## 7.0 Assessment

- 7.1 Internal access to the property itself was not possible on the date of my site inspection. I did however carry out my site inspection from the public road adjoining the site and also the front and side gardens.
- 7.2 I visited the site (vacant property) on the 8<sup>th</sup> of January 2024. On day of site visit, the front door was locked and this and other openings appeared intact and secure (small, narrow window to flank elevation slightly open, potentially for air circulation). Notwithstanding the aforementioned, the chimney shared with No.5 O'Callaghan Avenue appears to have split (unable to decipher impact); paintwork to front and side elevations was stained and peeling in places; ivy was growing to the flank elevation wall, the wall dividing the garage from rear garden area in addition to the side boundary wall with No.33 Hogan Avenue; the gutter was missing to the front roofscape and a loose cable was hanging from the roof to ground level; there was what appeared to be structural crack running through the front and side walls of the garage; the lean to asbestos roof of same was collapsing with hole in roof, and, there was no front or side garden boundary and the lawn was overgrown. There was also a small presence of litter in a pocket to the side garden area towards the boundary with No.33 Hogan Avenue (Craughan's butchers). Overall, the property has a derelict, ruinous, neglected, unsightly and has an objectionable appearance from both the public road and surrounding area.
- 7.3 I note from my site inspection that none of the items which had been considered to give rise to the state of dereliction, as outlined in the local authority's Derelict Sites Report have been permanently addressed.
- 7.4 From the evidence on file, it is clear that the property was in a ruinous and derelict state, and, in an unsightly, neglected and objectionable condition which detracted considerably from the character and amenity of the host terrace and surrounding estate at the time the application to acquire was lodged.
- 7.5 Representatives of the owners appeared to engage to an extent with the local authority to address issues of dereliction with clearance of the house post death of owner,

installation of new back door to secure the building, occasional cutting of the front and side lawns, and, occasional removal of litter and rubbish from the front and side garden areas as (evidenced in photographs on the 14/07/2022, and also correspondence between owner's niece and LCCC). Notwithstanding the aforementioned, I consider that the actions to cut the front and side lawns and gather litter on occasion amount to temporary periodic measures.

- 7.6 Following a review of the Local Authority's Application for Consent including the submission which comprised of photographs taken from site visits on 7 no. occasions, I am of the opinion that the site including building was in a derelict, ruinous, neglected, unsightly and objectionable condition by way of holes in the roof with some slates damaged or having slipped; guttering on the dwellinghouse damaged, leaking and full of vegetation; walls dirty with paint peeling off in places; openings to single storey attached garage boarded up with timber and galvanise; vegetation overgrowth on lands to the rear, and, also ivy growing to the flank elevations of the dwellinghouse and garage and the rear wall dividing the garage, the rear garden and the boundary with No.33 Hogan Avenue (Craughan's Butchers).
- 7.7 As per paragraph 7.2 above, from a site inspection on the 8<sup>th</sup> of January 2024, the site was in a similar condition to that reported by the Local Authority.
- 7.8 Section 3(a) and Section 3(b) were the two reasons provided by LCCC in attempt to compulsorily acquire the site (including building) for which I consider were reasonable and proportionate at the time (as per photographs submitted by LCC) and in accordance with the policy and objectives contained in the County Development Plan (including for the benefit of the area/ community).
- 7.9 With regard to category (a) of Section 3 of Derelict Sites Act 1990, the site is still in a ruinous, derelict and dangerous condition as the chimney shared with No.5 O'Callaghan Avenue appears to be split, the garage contains structural crack to front and flank elevation walls with a collapsed asbestos roof (with hole in roof), and, there is no gutter to the front elevation of the dwellinghouse with a loose cable hanging from roof level to ground level.
- 7.10 With regard to category (b) of Section 3 of Derelict Sites Act 1990, the site still has a neglected unsightly appearance as the gutter to the front elevation is missing, there is

a loose cable hanging down from roof to ground level to same elevation, the garage is derelict with structural crack to walls, collapsed asbestos roof (with hole in roof) and openings boarded up, the paintwork to all front and side elevations is stained and peeling in places, there is ivy growing to the flank elevations of the dwellinghouse and garage, and there is no boundary to the front and side garden areas (from the public footpath) which are also overgrown.

- 7.11 With regard to category 3(c), although not listed by the local authority, there is a concentration of litter to the side garden in an small area towards the boundary with No.33 Hogan Avenue (flank elevation)). As aforementioned access into the property itself ,or, into the rear area was not possible on the day of site inspection. From what I observed, there is a presence of litter to the side garden area, however litter, rubbish or debris does not appear widespread throughout same, hence I do not consider that the property would fall into category Section 3 (c).
- 7.12 Overall, 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.
- 7.13 I note the actions of the local authority (including inspection, identification, correspondence with administrator of estate Jane Hayes (including informing of remedial works), meeting with auctioneers Rowan Fitzgerald on behalf of owners), and, the statutory notices served on the owner in respect of the building/site. Section 8(2) notices were served on the owners on the 14<sup>th</sup> July 2022, advising of the local authority's intention to enter the site on the Derelict Site's Register. Section 8(7) notices were subsequently served on the 18<sup>th</sup> August 2022, advising the owners that the site had been entered on the Derelict Site Register. Finally Section 15(1)(a) Notice of Intention to Acquire Derelict Site Compulsorily was served on the 28<sup>th</sup> April 2023 and published in the Limerick Post Newspaper on the 6<sup>th</sup> May 2023.
- 7.14 I note the objection to the proposed acquisition of the site made to the local authority on behalf of the owner on the 1<sup>st</sup> June 2023. The objection is summarised in paragraph 4.4.
- 7.15 From a review of the information on file including but not limited to the owner's objection in addition to site visit undertaken on the 8<sup>th</sup> January 2024, there is evidence

present that the representee of the owner has engaged to an extent with the local authority by way of clearance of the interior of the house, installation of new back door to secure the building, occasional cutting of the front and side lawns, removal of litter and rubbish from the front and side garden areas (as evidenced in LCCC photographs on the 14/07/2022), and, correspondence with LCCC.

7.16 It is noted that local authority policy as expressed in the Limerick City and County Development Plan 2022-2028 is to positively engage with the owners of a derelict site and to avoid using powers under the Derelict Sites Act, except where necessary. I would accept that the Local Authority had undertaken steps in consultation with the owners over a period of over 3 years following first inspection on the 6<sup>th</sup> of November 2020, in an effort to bring the property out of dereliction, and, the representee has also engaged to an extent by way of the aforementioned actions.

7.17 As per site inspection on the 8<sup>th</sup> January, there is no evidence of any significant further attempts to render the site non-derelict and the property thus remains in a derelict, neglected, unsightly and objectionable condition which detracts materially from the amenity and character of the area to an unacceptable degree. I also note that the site is also part of a generally well kept terrace and wider residential estate. Having regard to the condition of the site including buildings, I therefore consider that the application site detracts to a material degree from the character and appearance of the surrounding area.

7.18 Overall, having regard, therefore, to all the information available on the file and site inspection undertaken, given the continued appearance and condition of the property which as stated constitutes a derelict site (and appears to have been the case for some time), I consider it appropriate and proportionate that the local authority's application for consent to compulsorily acquire the site at No.7 O'Callaghan Avenue, Kileely, Limerick is granted. In this instance, the longer the building is vacant and remains in a state of dereliction, the greater is the likelihood of further decay and dereliction.

## **8.0 Conclusion**

- 8.1 I am 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 of a two-storey, end-terrace dwellinghouse at No.7 O'Callaghan Avenue, Kileely, Limerick containing 0.038ha. or thereabouts as set out in the Derelict Site Notice issued under Section 15(1)(a) and Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) on the 28<sup>th</sup> April 2023 and on deposited maps (DS-120-21), pursues, and, is rationally connected to, a legitimate objective in the public interest, namely to ensure the lands do not continue to be in a derelict condition.
- 8.3 The acquiring authority, at the time of application, demonstrated that the means chosen to achieve that objective, impairing the property rights of affected landowners as little as possible, and, I am satisfied that this is still the case. In this respect, I have considered alternative means of achieving the objective (direct engagement between LCCC and John O. Lee & Co. solicitors representing the estate of Mr. Reeves including all beneficiaries) referred to in submissions to the Board, and am satisfied 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 I consider that any direct engagement for sale of property to LCCC may be protracted and lengthy due to the complex nature of the case, and, compulsory purchase will instead bring the property out of dereliction and help provide a residential unit in a more expedient manner.
- 8.5 The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Limerick City and County Development Plan 2022-2028, specifically Objectives CGR O6 and CGR P4

which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use and to revitalise towns and villages. Accordingly, I am satisfied that that the application to compulsory acquire the site was clearly justified by the exigencies of the common good.

## **9.0 Recommendation**

- 9.1 Having regard to the observed condition of the application site, in particular the derelict, ruinous, dangerous, 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 prevent it continuing to be a derelict site.
- 9.2 I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by section 14 of the Act. I recommend that the Board grant consent to Limerick City and County Council to compulsorily acquire the site.

## **10.0 Reasons and Considerations**

- 10.1 Having regard to the derelict, ruinous, dangerous, neglected, unsightly and objectionable condition of the site, the split in the chimney (shared with No.5 O'Callaghan Avenue), the poor state of repair of external walls which are dirty with paint cracking, the gutter missing to front elevation, a loose cable hanging from the roof, the poor state of repair of attached garage which openings are boarded up and



which contains cracks in the external walls and the asbestos roof is collapsing, ivy growing from the flank walls of both the dwellinghouse and garage, front and side garden areas overgrown with no boundary treatment and a pocket of litter towards the boundary with No.33 Hogan Avenue, I consider 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 sections 3(a) and 3(b) 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, preventing it continuing to be a derelict site. It is also considered that the objection made cannot be sustained having regard to that said necessity.

- 10.2 Notwithstanding the efforts made by the Notice Party, I consider it reasonable that the local authority now 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.

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.



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Niall Sheehan  
Planning Inspector

28<sup>th</sup> March 2024