



An
Bord
Pleanála

Inspector's Report

ABP-318617-23

Nature of Application

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

Location

The Grange, Kilmallock, Co. Limerick

Local Authority

Limerick City and County Council

Notice Party

Claudia Reidy & George Quain

Date of Site Inspection

3rd April 2024

Inspector

Gary Farrelly

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 The Grange, Kilmallock, County 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 located within the townland of The Grange, County Limerick, which is located approximately 8km north of the town of Bruff and approximately 12km south of the city of Limerick. Access to the site is off the public road, the regional road R-512.
- 2.2. The site comprises of a two-storey dwelling and outbuildings and is bounded by the River Camoge to the north, the regional road to the west, residential dwellings to the east and The Hamlet public house to the south. The character of the area is defined by predominantly one-off rural to the east of the site and the public house commercial premises to the south. It was noted on the date of the site inspection that these properties are all well maintained.
- 2.3. The site represents a prominent location being located directly off the regional road. My observations of the site on the date of the inspection included; vegetation on the roof, missing and broken roof slates, missing and broken rainwater goods and downpipes, loose masonry and falling plaster, dirty façade and peeling paint, broken windows and doors, ruinous buildings and the lands to the rear of the structures were overgrown with vegetation. A 'For-Sale' sign was erected and I note that the subject site is advertised for sale on the website of Wheeler Auctioneers.

3.0 Legislative Context

Derelict Sites Act 1990, as amended

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.

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.”

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.

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.

Planning and Development Act 2000, as amended

Planning and Development Regulations 2001, as amended

4.0 Application for Consent for Acquisition

- 4.1. Limerick City and County Council has applied to the Board for consent to compulsorily acquire the site under Section 14/16 of the Derelict Sites Act 1990, as amended. I note that this application is subsequent to the serving of notices under Section 8(2) on 3rd April 2019 (advising of the Local Authority's intention to enter the site on the register of derelict sites), and under Section 8(7) on 26th March 2020 (advising of the Local Authority's decision to enter the site on the register of derelict sites).

5.0 Application and Objection

5.1. Notice of Intention to Acquire

Notice of Limerick City and County Council's intention to acquire the site was served on the owner on 5th October 2023 (in a letter dated 4th October 2023) and was published in the Limerick Post newspaper on 7th October 2023. The site was described as follows in the notices:

- A derelict site comprising a two storey dwelling with outbuildings and surrounding land situate at The Grange, Kilmallock, Co. Limerick, containing 0.259 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-022-19 in the Derelict Sites Register established and maintained by Limerick City and County Council under Section 8 of the Derelict Sites Act, 1990.

I note from the photograph provided that the notice was affixed to the property on 5th October 2023 and served to George Quain & Claudia Thompson of Ardyoul, Kilmallock, Co. Limerick. I am satisfied that the notices were in accordance with the requirements of Section 15(1)(a) and (b) of the Derelict Sites Act 1990, as amended.

5.2. **Objection to Acquisition**

An objection to the proposed compulsorily acquisition was submitted to Limerick and City Council by ECD Design, on behalf of their client, Claudia Reidy, and was received by the Local Authority on 3rd November 2023. The objection can be summarised as follows:

- A letter from John Cooke solicitor stating that he has been instructed by his client that this is Claudia's only property. Certifies that his client is the owner of the subject site and deeds of transfer from 29th November 2009 are provided.
- The architect states that having worked with the local authority for over 19 years he has always found the authority to be fair, honest and compassionate towards people in their dealings. The whole process started during Covid after which the country has entered a period of very high inflation making construction and remedial works almost impossible to carry out. Grants have only recently been made available to people.
- The architect states that the lack of compassion shown by the local authority after Claudia had flagged her serious illness is unbelievable. There is no doubt that the local authority's handling of the case has caused extra unnecessary stress on Claudia and not helped her recovery.
- A confidential medical report has been attached (*I will have regard to this but will not summarise, in the interest of privacy*). A letter from Claudia's doctor outlining her health situation and surgery completed in June 2023 is also provided.
- Claudia states that she has been approached by prospective purchasers and has put the sale in the hands of Wheeler Auctioneers. She states that her efforts to progress the property since 2009 have been continuously hampered by some local objectors and she has been forced into expensive planning procedures. She outlines that she enhanced a section of the site with a very attractive

revamped dry stone wall. She states that the local authority's recent correspondence is not helping her health situation and recovery and the sale in order to help her procure a suitable home elsewhere as the subject property is her only possession.

- A number of emails are provided showing correspondence between Claudia Reidy and council officials. The first email is from October 10th 2022 where Claudia requests a meeting with the local authority. The local authority accepts the meeting request and also requests a written plan of remedial measures for dealing with the dereliction with a timeframe for completion of same. Emails from March 2023 are provided where the local authority requests an up to date position in dealing with the dereliction. Claudia states that due to a health situation after their meeting in October 2022 she has not been able to focus on the property. She requests whether any funding is available. In response the council official outlines some details of grant assistance available such as the vacant property refurbishment grant and SEAI supports. A further email from Claudia on May 29th 2023 advises the local authority that she is not able to deal with the dereliction at present due to her health situation and requests that the local authority puts her case on hold until her recovery. In response on May 30th 2023 the local authority official advises her that the case cannot be put on hold as the property continues to be in a derelict state.

5.3. Local Authority's Application for Consent

The Local Authority requests the consent of the Board to the compulsorily acquisition of the derelict site. The application for consent was submitted on 30th November 2023 and was accompanied by the following:

- Local Authority Compulsory Acquisition Report (i.e. Derelict Site report) which sets out the local 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 section 15 Notice served on the owners/occupiers of the site, dated 29th September 2023.
- Copy of the newspaper notice, dated 7th October 2023.

- Copy of objection made by ECD Design on behalf of Claudia Reidy dated 31st October 2023 (received by the Council on 3rd November 2023).

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. 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.
- The two storey dwellings and outbuildings with surrounding land are vacant and in a derelict condition for a considerable period. The site detracts from the amenity, character and appearance of other well-maintained property in the area. Some indicators of dereliction as applies to the site include; partially demolished/ruinous buildings, holes in roof, loose and slipped slates, missing/broken/leaking rainwater gutters or downpipes, loose masonry or falling plaster, broken/missing/boarded up windows or doors, dirty façade/peeling paint, plants growing out of masonry or roof, unsecured entrances/trespass or squatters, rotten timber, accumulation of litter/waste or illegal dumping, site overgrown with vegetation and unsightly boundaries (damaged hoarding, broken fences, rusted railings etc.).
- The title to this property is comprised in Folio LK63638F and LK15966 where the registered owner is Tommy Bulfin of Camass, Bruff, County Limerick and Folio LK10003 where the registered owner is John Ludovick Swinnerton. The reputed owner of the derelict site is Claudia Reidy and George Quain of Ardyoul, Kilmallock, Co. Limerick.
- The council first inspected the property on 6th March 2019 and identified it as a derelict site. Site ownership enquiries were made through the land registry system and planning and development searches were carried out. Following the site inspection on 6th March 2019, a section 8(2) notice was affixed to the property on 3rd April 2019. George Quain and Claudia Reidy contacted the council on 12th April 2019 stating that they were the owners of the property.

George Quain said that the property was purchased from Thomas Bulfin some years ago but the land hasn't yet been legally registered in his name. He said a planning application would be lodged.

- Following a site inspection on 27th February 2020, a Section 8(7) notice was served on the owner and affixed to the site on 26th March 2020. In April 2021 Mr. Quain advised the council official that he was in the process of arranging a pre planning meeting. On 24th March 2022, Mr. Quain informed the council official that there was an ongoing issue with title registration and that he was hoping to have it solved in the coming months. He also stated that he was unhappy of the derelict site levy being charged on the property.
- On 10th September 2022 Claudia Reidy called the council and stated that she is the owner of the property and that George Quain is staying in the property. She was advised to submit legal documentation for proof of ownership and to arrange a site meeting.
- On 17th September 2022, a council official met with George Quain and Claudia Reidy at the council offices to discuss the case and remedial measures. Commitment from the owner was given for remedial works and the owners were to revert with a confirmed schedule of works. The council did not receive any further correspondence from the owners and on 20th March 2023 the council contacted Claudia Reidy for an up to date position. The reply from Claudia Reidy outlined health issues and she requested information of grants that could assist.
- On 30th May 2023, the council advised Claudia Reidy of the continued dereliction of the site and a site meeting was offered to her to discuss the case and remedial works. As the land continued to be in a derelict state the council gave its notice of intention to acquire the site compulsorily and advertised same in the Limerick Post newspaper on 7th October 2023.
- Page 6 describes in bullet point form the notices served. (I note that the dates provided for the serving of the Section 8(2) and 8(7) notices appear to be a topographical error as they do not align with what is described in the history of the derelict site case).

- On 31st November 2023 (*Again this date appears to be an error and should state 31st October 2023*), a letter objecting to the proposed acquisition was received from Eamon Cronin Design on behalf of Claudia Reidy. A letter from Claudia Reidy's solicitor was also enclosed confirming she has been the owner since 2009. A letter from Claudia Reidy is enclosed confirming her health situation.
- Meanwhile the adjoining neighbours to this derelict site and the rest of the local community live with and endure the ongoing neglect, decay and unsightly nature of this property. It detracts from their own well-kept residences and impacts on the enjoyment of their locality of which they are most proud. Visitors to local towns and villages as well as tourism and leisure amenities will have no problem noticing the neglected property detracting from the area. It is the contention of the council that the inaction of property owners and failure of their duties under the Derelict Sites Act jeopardises the future use of properties 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 area of the county. This case demonstrates a failure of duty on behalf of the property owner to remove this property from dereliction leaving the only option available to the council to acquire this property compulsorily.

5.4. Objector's Submission to the Board

An objection to the proposed compulsorily acquisition was lodged to the Board by Claudia Reidy on 8th January 2024. The objection can be summarised as follows:

- She provided a background of her health situation.
- She concurs that the property is located in a lovely scenic area which is why she invested her life savings in it in 2009. Her plan was to renovate the building to live in it for her retirement and to set up a small museum for the display of local historic artefacts in conjunction with a space for the study of local history.
- The property has been a work in progress for a considerable period. It has been the home of George Quain. They have spent several years clearing the undergrowth around the buildings and garden. They cleared and opened up the land and created a vegetable garden and added fruit trees. A dry stone wall

was built on the southern side of the property with newly restored and galvanised heavy old iron double gates at the main entrance and a second gate further on. She states that she has spent many thousands of euro on the property. The wall was completed in 2016.

- She states that she also developed the corner of the site which consisted of the remains of a small house which had fallen in. At the front of the house grass and kerbing was laid down which the council required to take up and lay down again.
- The ground floor of the property has not been habitable due to water run off from the public road. The council finally addressed the issue in September/October 2018. However, the kerbs were re-laid flat and the water in this area still enters the site and descends downhill to the front of the house.
- She describes the demolition of a roadside garden by a council official on 10th November 2018 and describes a conflict of interest with this CPO. A situation regarding roadside fencing is also described.
- The local authority report has only focussed on the negatives and disregarded all the good things that have been put in place such as a new post and rail fence to replace the broken down old ditch. They have only reeled off a generic litany of bullet pointed negatives that may or may not apply. For instance, there is no loose masonry or falling plaster, there has always been closed gates and secured entrances and there are no rusty railings, there is no litter/waste or illegal dumping. The abundance of vegetation which she considers 'wilding' has only occurred due to the lockdowns and her own health crisis.
- A context of the planning history is provided outlining a number of pre planning meetings, section 5 applications and referrals to An Bord Pleanála. There is enforcement associated with the site in relation to removal of bales.
- The council report does not contain the correct ownership details. At no stage did George Quain ever claim to be the owner of the property as was reported in the history of the derelict site case section.
- The dates outlined for the serving of the Section 8(2) and 8(7) notices are incorrect and should read 1st April 2019 and 11th March 2020 respectively.

- She describes that her health situation began in August 2019 preparing a presentation to the Board. The notice affixed to the site on 26th March 2020 could not possibly be acted upon due to her health situation and the Covid situation. It was finally into 2022 that she managed to get a lot more done on the property in terms of the construction of the secure boundary. She stated that she telephoned a council official on 10th October 2022 and not September as incorrectly stated in the council report, and emailed a council official on the same day. A meeting was arranged for 17th October 2022 (again not September as stated in the council report). A CPO was never mentioned as a possibility at the meeting. A brief outline of works needed to bring the house out of dereliction was outlined however no Section 11 or 12 notice was provided.
- Questions the unsympathetic response to her requesting the derelict case being put on hold due to her health difficulties. She considers the acquisition notice to be a cruel and unexpected blow as she started to set wheels in motion to sell the property. No notice or warning of this CPO was ever flagged by the council.
- She considers the whole council report to be vague, over-simplistic and unbalanced with information concerning my case being expressed loosely in very general terms, inaccurately in many places and significantly devoid of the relevant statutory history in planning and enforcement.
- The statements about negative local opinion are not backed up by any hard evidence, and the same regarding the property description. There is a complete lack of acknowledgement of the Covid pandemic.
- If the CPO is consented to she will be deprived of the financial means to procure a suitable home for herself elsewhere and George Quain will also be without a home. If the CPO is not consented to she will be able to make use of the grants to renovate the property or alternatively sell the property at a true market value.
- A number of medical reports, letters and receipts are submitted. A number of emails and photographs of the property are also submitted.
- A number of statements are provided regarding the works to the corner garden from 2018. A quotation from April 2019 is provided. Documentation regarding

pre planning meetings, the Section 5 application and referral to the Board and enforcement proceedings are submitted.

- Information on a freedom of information request is submitted.

The objection is also accompanied by a personal statement from George Quain. This is summarised as follows:

- He outlines his experience of the community, the council and local gardai.
- The only reason why the buildings are in poor condition is due to lack of engagement by the local authority. He states that the condition of the site is nature which is encouraged by the local authority. There is no litter, rubbish, debris or waste on the site.
- The presentation of the ownership details in the council's report are incorrect and questions the council's efforts of trying to obtain ownership details. States that he never owned the property although at least 15 letters addressed to him.
- The dates of the notices within the council report do not tally with the dates of the particular notices as to when they were served.
- He questions the term derelict which he states is the council's definition.
- He outlines the health issues of Claudia Reidy. She needs space and time to recover from her health difficulties and then the work will be done in accordance with the protocols laid down by the system.
- A number of photographs of a property in close proximity to the site and a council property in Kilmallock are provided.
- I note that a number of accusations are made which for the purposes of this report I will not summarise.

6.0 Relevant Planning History

- Section 5 Referral - An Bord Pleanála Ref. 305239

Claudia Reidy lodged a referral on whether the erection of a 1.2 metre high boundary wall was development and whether it was exempted development. The Board considered that the development was not exempted development. This referral was

after the issuing of a Section 5 Declaration by Limerick City and County Council (Ref. EC22/19).

- There is also planning enforcement history associated with the site with regards to the placement of bales and cattle feeders on the subject site (local authority refs. DC-396-19 and DC-200-20).
- There are no planning applications associated with the site, according to the local authority's planning register.

7.0 Policy Context

Limerick Development Plan 2022-2028

Objective CGR 04 Active Land Management

It is an objective of the Council to:

b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.

Objective CGR 06 Derelict Sites

It is an objective of the Council to utilise the provisions of the Derelict Sites Act 1990, including the maintenance of a Derelict Site Register and CPO powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active reuse.

8.0 Assessment

Site History

- 8.1. The Board should note that there is a significant amount of information on file from the notice parties with regards to the planning history of the subject site. There have been disputes in relation to the ownership of a corner of the site and there is planning enforcement history in relation to the placement of bales (ref. DC-396-19) and erection of cattle feeders (ref. DC-200-20). The site has also been subject to a Section 5 application (ref. EC22/19) and Referral (ref. 305239-19) in relation to the erection of a boundary wall in this location.

- 8.2. Notwithstanding the above, the purpose of this assessment is to establish whether the site is derelict as defined under Section 3 of the Derelict Sites Act 1990, as amended, whether proper procedures were followed by the local authority in accordance with the Act, whether there have been any attempts by the owner to address the dereliction and thus whether the compulsorily acquisition of this site should be granted or refused.

Site Inspection

- 8.3. Internal access to the property was not possible on the date of my site inspection on 3rd April 2024, however, I was able to view the site from the public road. I noted that the property was vacant.
- 8.4. I noted the following; vegetation on the roof and walls, broken, loose and missing slates on the roof, broken windows and doors on the front elevation, missing and broken rainwater goods, a dirty façade and peeling paint, a partially collapsed boundary wall with debris on the ground and the site overgrown with vegetation. There was also a wall in ruins to the side of the property.
- 8.5. The site is located in a prominent location being located off the regional road R-512 which connects Limerick City to the town of Bruff. There are a number of residential properties to the east of the site and a public house to the south of the site which are well maintained and are in good condition. I noted that there was another property opposite the site that was in poor condition.

Category of Dereliction

- 8.6. I note that the local authority considered that the property and lands fell under Categories (a), (b) and (c) of Section 3 of the Derelict Sites Act 1990, as amended.
- 8.7. Based on my site inspection, it is my view that the subject structure and lands fall under Categories (a) and (b) of Section 3 of the Derelict Sites Act 1990, as amended (DSA):
- (a) The boundary wall to the side of the property is partially collapsed and thus is in a ruinous, derelict and dangerous condition.
 - (b) The lands and structure are in a neglected, unsightly and objectionable condition, as described in paragraph 8.4 above.

I noted that there appeared to be some debris within the grounds of the site, however, this was relatively minor in nature and extent and appeared to be associated with the

collapsed boundary wall. I consider therefore that the site does not fall under category (c) of Section 3 of the DSA. Having regard to (a) and (b) above, it is my view that the structure and lands are detracting to a material degree from the amenity, character and appearance of land in the neighbourhood of the land in question.

Actions of Local Authority

- 8.8. I note that the local authority state that they first inspected the site on 6th March 2019. A Section 8(2) notice was affixed to the structure on site on the 3rd April 2019. I note that page 6 of the Derelict Site Report states that the date of serving this notice was '01/04/2023'. This appears to be a clear typographical error as it does not accord with the sequence of events as described within the 'History of the Derelict Site Case' section of the report. I also note that the owner questions this date, however, does not dispute that she received notification of this notice, having in response, met with council officials in April 2019. The correct date appears to be 3rd April 2019.
- 8.9. A Section 8(7) notice was affixed to the site on 26th March 2020. I note that page 6 of the Derelict Site Report states that the date of serving this notice was 11/03/2023. Again, this appears to be a clear typographical error as it does not accord with the sequence of events as described within the 'History of the Derelict Site Case' section of the report. I also note that the owner questions this date but again does not dispute she received notification of this notice. The correct date appears to be 26th March 2020.
- 8.10. Furthermore, it is stated that the local authority met with the owner in September 2022 and followed up with the owner for an up to date position on 20th March 2023. It is stated that a further site meeting was offered to the owner on 30th May 2023. The local authority has stated that the only option available in order to remove this property from dereliction is to acquire the site compulsorily and this was served on the owner on 5th October 2023 and published in the Limerick Post newspaper on 7th October 2023.
- 8.11. Having regard to the above, I am satisfied that the local authority complied with the requirements of Section 6, Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended. I am also satisfied that the local authority has given sufficient time and opportunity to address the dereliction as the Section 8(2) notice was first served over 5 years ago. Therefore, I am satisfied that the efforts of the local authority have been fair and reasonable in accordance with the legislation.

Compliance with development plan policy

- 8.12. I note that the Limerick Development Plan 2022-2028, specifically Objectives CGR 04(b) and CGR 06, seeks to address instances of dereliction and decay in the rural environment, seeks to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse.
- 8.13. Therefore, I consider that the subject property and a compulsorily purchase order (CPO) would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

Actions of the Owner to address dereliction

- 8.14. Firstly, the owner should note that I have complete sympathy and understanding of the health situation that she has unfortunately experienced. I also note her arguments regarding the Covid pandemic. Both of these situations would have naturally delayed the addressing of the dereliction.
- 8.15. Notwithstanding this, the purpose of the Derelict Sites Act is to remove properties from dereliction. I note that the owner was notified of the dereliction over 5 years ago. Whilst the owner has stated that the granting of the CPO will prevent her from procuring a suitable home elsewhere, prevent her from making use of the grants or alternatively selling the property at a true market value, I note that no further information has been provided to the Board regarding any progress made on advancing the works to enable the property to be removed from the Derelict Sites Register. Furthermore, I noted that the site was up for sale on the date of my site inspection. It is my view that the owner/occupier has not taken any material steps to address the dereliction.
- 8.16. Therefore, I cannot conclude that the dereliction will be addressed in a timely manner. Having inspected the site, there is no evidence of any further attempt to render the site non-derelict and the property remains in a neglected and unsightly condition.

9.0 Conclusion

- 9.1. 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.

- 9.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising a two storey dwelling with outbuildings and surrounding land at The Grange, Kilmallock, County Limerick, containing 0.259 hectares or thereabouts, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, as amended, and dated 29th day of September 2023 and on the deposited maps (DS-015-17), pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 9.3. I am also 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 the submissions to the Board, and I am 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.
- 9.4. 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 Development Plan 2022-2028, and specifically Objectives CGR 04(b) and CGR 06 which seeks to address instances of dereliction and decay in the rural environment, seeks to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

10.0 Recommendation

Having regard to the observed condition of the application site, in particular to the derelict and ruinous condition of the structure and to 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. I consider it reasonable that the Local Authority seeks to compulsorily acquire the land, as provided by Section 14 of the Act. I

recommend, therefore, that the Board grant consent to Limerick City and County Council to compulsorily acquire the site.

11.0 Reasons and Considerations

Having regard to the dereliction and ruinous condition of the structure and to the neglected, unsightly and objectionable condition of the lands and structure, the poor state of repair of the roof, windows, doors, rainwater goods, the existence of a ruinous boundary wall, and to the overgrown nature of the site with vegetation, it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in Sections 3(a) and 3(b) of the Derelict Sites Act, 1990, as amended. The acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it continuing to be a derelict site. It is also considered that the objection made cannot be sustained having regard to that said necessity.

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.

Gary Farrelly
Planning Inspector

16th May 2024