



An
Bord
Pleanála

Inspector's Report ABP-318635-23

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

Canal Bank House, Off Leila Street,
Limerick

Local Authority

Limerick City and County Council

Notice Party

Fraser Building and Civil Engineering
Ltd.

Date of Site Inspection

9th April 2024

Inspector

Ian Campbell

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 Canal Bank House, Off Leila Street, Limerick, in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

2.0 Site Location and Description

- 2.1. The property which is the subject of this CPO (referred to hereafter as the 'subject property') is located to the north-east of Limerick City, on the southern side of the Canal, along a toe-path. The R445/Clare Street is located to the south of subject property.
- 2.2. The area in the vicinity of the subject property appears to be used primarily as a recreational corridor along the canal. There are a mix of commercial and residential developments in the vicinity of the subject property, including a disused petrol filling station to the immediate south and a block of apartments to the north (Grove Island Apartments).
- 2.3. The subject property, described in the CPO as a former dwelling and surrounding land, comprises a two-storey, pitched roof building. The subject property also comprises boundary walls facing the canal.
- 2.4. The subject property is not a Protected Structure nor is it listed on the National Inventory of Architectural Heritage (NIAH). There are several Protected Structures in the vicinity, including RPS Ref. 6063 (Canal Bridge), RPS Ref. 6064 (Canal Lock Walls), RPS Ref. 3478 (Lock Quay) and RPS Ref. 3319 (Lock Quay Carraige Arch).
- 2.5. On the date of my site inspection, the property was secure with fencing. The render on the front and gable façades of the house are cracked, with the front façade severally compromised, with blockwork crumbling. The ground floor windows and door openings on the front façade are boarded up and the upper floor windows are missing or where in place the glass has been broken. The elevations of the property, including the boundary walls are covered in graffiti. A tree has fallen on the roof of the house and much of the front roof has collapsed. There is a hole in the rear roof and the upper floor window openings to the rear are boarded up with steel sheeting which itself has

rusted. There are an abundance of weeds to the front of the subject property. Weeds are also growing out of the chimneys.

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 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 the 18th January 2013, (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 the 25th February 2013 (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 the owners/occupiers (Fraser Properties Ltd. c/o John and Martha Fraser) on the 4th October 2023 and was published in the Limerick Post newspaper on the 7th of October 2023. The site was described as follows in the notices:

- A derelict site comprising a former dwelling and surrounding land situate at Canal Bank House, Canal Bank, Limerick containing 0.07 hectares or thereabouts.

The said property and surrounding land are in a state of dereliction. The said derelict site is more particularly shown outlined in red on map bearing reference no. DS-115-11 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) and (b) of the Derelict Sites Act 1990, as amended.

4.2. Objection to Acquisition

4.2.1. An objection to the proposed acquisition was submitted to Limerick City and County Council by Rob Shanahan (on behalf of John Fraser) in an e-mail dated 6th of October 2023. The objection can be summarised as follows:

- As the site was acquired c. 2020 by the current owners it is unreasonable to expect construction works to already have commenced.
- The owners have been in continuous liaison with the planning section of the Local Authority since the summer of 2020 and have carried out a wide range of reports with a view to making a planning application for a development on the site.
- A previous planning application was refused and a Natura Impact Statement was subsequently commissioned to facilitate the lodgement of a new planning application (copy of newspaper planning notice dated 23rd September 2023 attached), while the notice of intention to acquire the site is dated 29th September.
- The landowner has not received any written correspondence/registered letter in relation to the proposed acquisition of the site.

4.3. Local Authority's Application for Consent

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

- Local Authority Compulsory Acquisition 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.
- Photographs of subject property.
- Derelict site location map.

- Copy of the notices served on the owners/occupiers of the site (dated 4th of October 2023)¹. Proof of delivery also submitted.
- Copy of the newspaper notice (dated 7th of October 2023).
- Copy of objection (and acknowledged response from Limerick City and County Council) made by Rob Shanahan (on behalf of John Fraser) submitted to the Local Authority in an e-mail dated 6th of October 2023.

4.3.2. The **Derelict Site Report** can be summarised as follows:

- Limerick City and County have established a specialised 'Dereliction, Vacancy and Re-Use Unit' to take an area-based collaborative approach to addressing vacancy and dereliction in Limerick City and in the towns and villages in the County. The team focuses on bringing derelict and vacant sites back into use, particularly in areas of high housing demand, town and village centres and the historic core of the city. They seek to work proactively with property owners, with timely actions and improvement of sites through positive engagement. It is stated that the powers under the Derelict Sites Act, 1990 are used only where necessary, where all reasonable alternatives have been exhausted.
- Matters that are taken into account include
 - outstanding planning permissions,
 - evidence of efforts to address vacancy and dereliction,
 - security, safety to the public and condition of the site,
 - the conservation value of the building and requirement for remedial restoration works, and
 - the feasibility of various actions to make good the site and find viable uses for the site.
- The former house, store and surrounding land is vacant and has been in a derelict condition for a considerable period.

¹ A Section 15 Notice was not received from the Local Authority and was requested in a letter dated 8th December 2023. Documentation was received by An Bord Pleanála from the Local Authority on the 14th December 2023, including a Section 15 Notice, location map, proof of delivery (signed) and also copy of Section 15 Notice sent by registered post.

- The site detracts from the amenity, character and appearance of the well maintained property in the area.
- The structure is in a dangerous condition. The front of the property has a fallen tree through the front of the property, it is missing its roof, missing windows and there is graffiti along the full front elevation of the property.
- The site has a neglected look and is drawing antisocial behavior to the area. Attempts to screen the site with metal fencing to stop people from being injured from falling slates and debris from the building has not addressed the poor state of the structure of the building and the surrounding area.
- The site is deemed to be derelict by definition under Section 3 of the Derelict Sites Act, 1990 (as amended), as follows:
 - Ruinous, derelict or dangerous condition,
 - neglected, unsightly or objectionable condition of the land or any structures,
 - the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste.

Some indicators of dereliction as it applies to the site include;

- Partially demolished/ ruinous building(s);
- Holes in roof, loose and slipped slates;
- Missing/broken/leaking rainwater gutters or downpipes;
- Loose masonry or falling plaster;
- Broken, missing, or boarded up windows or doors;
- Dirty facade/ peeling paint;
- Graffiti;
- 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;
 - Unsightly boundaries (damaged hoarded, broken fences, rusted railings etc.).
- The structure is not a Protected Structure or listed on the National Inventory of Architectural Inventory (NIAH) and is not located in an Architectural Conservation Area.
 - The title to this property is not registered on the Landdirect System of the Property Registration Authority of Ireland. The reputed owner of the property is Fraser Building and Civil Engineering Ltd. There is a no known charge or judgement registered against the property.
 - Regarding the history of the Derelict Site Case –
 - 28th November 2012 - Limerick City and County Council (LCCC) inspected the property and identified it as a Derelict Site.
 - 23rd March 2021 - LCCC received a phone call from new owner John Fraser noting his intention to knock building and construct apartments. John Fraser asked if LCCC could issue a Section 11 Notice under the Derelict Sites Act, 1990, to demolish the existing building. LCCC decided that this activity would best be dealt with through the planning process.
 - 18th February 2022 - LCCC area inspector sent an e-mail to John Fraser seeking an update on his intentions for the property.
 - 16th March 2022 - LCCC sent a letter to John Fraser seeking an update on his intentions for the property.
 - 21st March 2022 - LCCC Area Inspector made a phone call to John Fraser and he informed LCCC Area inspector that he was preparing a planning application.
 - 2nd April 2022 - an e-mail was received from John Fraser stating that he had appointed an architect to design a scheme for the site, had applied for water connections to Irish Water and was undertaking various reports for the proposal.

- 7th July 2022 – LCCC inspected the site and noted that a site notice was erected.
 - 15th May 2023 - LCCC Area Inspector inspected the site and noted that a tree has collapsed through the front of the building.
 - 11th September 2023 - LCCC Area Inspector spoke to John Fraser and he confirmed that planning permission had been refused as he had not submitted further information within the specified time. John Fraser indicated that a new application may be submitted.
 - 14th September 2023 - LCCC Area Inspector inspected the site and found that it had fallen further into dereliction.
 - 7th October 2023 - LCCC advertised (in Limerick Post newspaper) its intention to acquire the property as the land had continued to be in a derelict state.
- The timeline for the serving of notices under the Derelict Sites Act, 1990 by LCCC is set out as follows;
 - Section 8(2) Notice of intention to enter land in Derelict Sites Register: 18th January 2013.
 - Section 8(7) Notice of Entry of Land in Derelict Sites Register: 25th February 2013.
 - Section 22 Notice of Valuation: 3rd February 2021.
 - Section 15(1)a Notice of Intention to Acquire Derelict Site Compulsorily: 5th October 2023².
 - An objection to the Section 15 Notice was submitted on the 6th October 2023 (via e-mail) by Rob Shanahan on behalf of John Fraser (and was acknowledged on 18th October 2023).
 - The Local Authority contends that the inaction of owners and the failure of their duties under the Derelict Sites Act 1990 (as amended) jeopardises the future use of the property in the area due to its continued neglected and derelict state.

² The Section 15 Notice is dated 4th October 2023 and not 5th October 2023.

The Local Authority intends to pursue the compulsory acquisition of the derelict site.

4.4. Objector's Submission

4.4.1. None submitted.

5.0 Planning History

5.1. Subject Property

PA. Ref. 23/60759 – Permission sought for (i) demolition of boundary walls and outbuildings and part demolish existing derelict dwelling house; and (ii) construction of 2 number retail units at ground level; with services, 8 no. apartments at first and second floor level. A Natura Impact Statement (NIS) accompanies the planning application. Applicant – Fraser Properties Limited.

A request for Further Information was issued on the 4th December 2023 and a response to same submitted on the 8th May 2024.

PA. Ref. 22/888 – Permission REFUSED for (i) demolition of boundary walls and outbuildings and part demolition of existing derelict dwelling house and (ii) construction of 2 number retail units at ground level; with services, 8 no. apartments at first and second floor level. Applicant – Fraser Properties Limited.

6.0 Policy Context

6.1. Limerick City and County Development Plan 2022 - 2028

6.1.1. The subject property is zoned 'City Centre' in the Limerick City and County Development Plan 2022 – 2028, the objective of which is *'to protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities'*.

6.1.2. Chapter 1 (Introduction, Vision and Strategic Overview)

- Strategic Objective 4 provides - *'support and facilitate revitalisation and consolidation of the City, towns and villages, through public realm and place-*

making initiatives. Address vacancy and dereliction to create compact attractive, vibrant and safe environments...

6.1.3. Chapter 3 (Spatial Strategy)

- Policy CGR P1 'Compact Growth and Revitalisation' - *It is a policy of the Council to achieve sustainable intensification and consolidation, in accordance with the Core Strategy, through an emphasis on revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport, with the use of higher densities and mixed-use developments at an appropriate scale on brownfield, infill, backland, state lands and underutilised sites within the existing built footprint of Limerick's City, Towns and Villages.*
- Objective CGR O4 'Active Land Management' - *It is an objective of the Council to:*
 - a) *Promote an active land management approach through cooperation with relevant stakeholders and infrastructure providers to deliver enabling infrastructure to achieve compact growth.*
 - 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.*
 - c) *Establish a database of strategic brownfield and infill sites in the City Centre to be updated on an annual basis to monitor the progress of the active land management measures.*
- Section 3.3.2.2 notes 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' – *'it is an objective of the Council 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'.*

6.1.4. Section 2a (Spatial Strategy - Limerick Shannon Metropolitan Area)

Paragraph 3.4.3 (Strategic Revitalisation) - *‘Limerick City and County Council will encourage and facilitate the continuous revitalisation and redevelopment of existing settlements across the Limerick Shannon Metropolitan Area (in Limerick), to create more desirable places in which people can live, work and visit.’*

Objective CGR O10 – *‘it is an objective of the Council to promote and support the utilisation of targeted incentives, investment opportunities and various funding sources such as the Urban Regeneration and Development Fund, the Rural Regeneration and Development Fund and the Town and Village Renewal Scheme to facilitate the revitalisation and transformational renewal of Limerick’s City, towns and villages for residential, employment, community and recreation purposes’.*

Paragraph 3.4.3.2 sets out the Living Limerick City Centre Initiative which seeks to make transformational change to revitalise the centre of Limerick City, identified as a growth enabler under the NPF. The Initiative focuses on targeted interventions and include the renewal of vacant and underutilised building stock.

6.1.5. Chapter 4 (Housing)

Section 4.2.6 relates the re-use of buildings and notes that existing housing stock is valuable resource in terms of meeting the needs of a growing population and its retention and management is of considerable importance.

Objective HO O4 ‘Re-use of Existing Buildings’ – *‘It is an objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation’.*

6.2. Derelict Sites Act 1990 (as amended)

6.2.1. 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.

6.2.2. 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.”

- 6.2.3. 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.
- 6.2.4. Section 9 of the Act 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.
- 6.2.5. Section 10 of the Act 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.
- 6.2.6. 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.
- 6.2.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.2.8. Section 15 of the Act sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.
- 6.2.9. Section 16 of the Act 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. Site Inspection

7.1.1. Internal access to the property was not possible on the date of my site inspection and I carried out my site inspection from the area along the canal and from Clare Street. The subject property is located at a prominent location in the centre of the city. The area is also used by people for recreation purposes and is highly visible from the apartments on the opposite site of the canal. The adjoining area is well maintained and the public realm is well cared for, with high quality public amenities. The subject property is adjacent to a number of Protected Structures.

7.1.2. The property is vacant and has a neglected, unsightly and objectionable appearance from the area along the canal and is also visible from the public road and surrounding area to the south (Clare Street) and from the properties along Clare Street which back onto the subject property. The render on the front and gable façades of the house are cracked, with the front façade severally compromised, with blockwork crumbling. The ground floor windows and door openings on the front façade are boarded up and the upper floor windows are missing, or where in place the glass has been broken. The elevations of the property, including the boundary walls are covered in graffiti. A tree has fallen on the roof of the house and much of the front roof has collapsed. There is a hole in the rear roof and the upper floor window openings to the rear are boarded up with steel sheeting which itself has rusted. There are an abundance of weeds to the front of the subject property. Weeds are also growing out of the chimneys.

7.2. Category of Dereliction

7.2.1. Based on the condition of the subject property which I observed during my site inspection I consider that the site falls within category (a), of Section 3 of the Derelict Sites Act, 1990, which relates to structures which are in a ruinous, derelict or dangerous condition. Having inspected the site I consider that the structure is likely to be in a dangerous condition, and that it could be considered ruinous, in particular noting the condition of the external walls and roof of the subject property.

- 7.2.2. In addition, I consider that the site 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.
- 7.2.3. The subject property would in my opinion also fall within category (c) of Section 3 of the Act, noting the presence of debris and litter to the front of the subject property.
- 7.2.4. 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.

7.3. Action of the Local Authority

- 7.3.1. The Local Authority has set out in its report that it has engaged with the owner, including communications (e-mails, phone calls and letters) on 18th February 2022, 16th March 2022 and 21st March 2022. A number of inspections of the property were also conducted. 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 served on the owners advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served advising the owners that the site had been entered on the Derelict Sites Register. These actions were undertaken approximately 11 years ago. Finally, Section 15(1)(a) notices were served on 4th October 2023 and published in the Limerick Post Newspaper on the 7th of October 2023 regarding the Local Authority's intention to acquire the site compulsorily.
- 7.3.2. I note that Local Authorities have a duty (under section 10) "to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any such land does not become/continue to be a derelict site." The policy of the Local Authority, as expressed in the Compulsory Acquisition report, is to positively engage with the owners of a derelict site and to avoid using the powers under the Derelict Sites Act, except where necessary. It is over three years since communications between the current owner and LCCC commenced in relation to the derelict state of the property. Having regard to the forgoing I am satisfied that the Local Authority gave the

property owner sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

7.4. Compliance with Development Plan

- 7.4.1. I note that the Limerick Development Plan 2022-2028, and specifically Objective CGR O6, seeks 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. The property has been in a derelict state and has remained vacant for approximately 11 years. I therefore consider that the subject property detracts to a material degree from the character and appearance of the surrounding area. 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.

7.5. Action of the Owner to Address Dereliction

- 7.5.1. I note that the owner liaised with LCCC on multiple dates informing the Local Authority that it was intended to lodge a planning application to redevelop the site, and then following refusal of permission that it was intended to resubmit a second planning application. I note that the property is the subject of a current planning application (PA. Ref. 23/60759 refers). Notwithstanding the status of this current planning application, I note from my site inspection on the 9th April 2024 that it was not apparent that any further works had been undertaken to address the appearance of the subject property since the 6th October 2023 (when correspondence was last received on behalf of the Notice Party).
- 7.5.2. I note that an objection to the proposed acquisition of the site made to the Local Authority by Rob Shanahan (on behalf of John Fraser) in an e-mail dated the 6th of October 2023. The basis of the objection to the compulsory acquisition of the property was that it is unreasonable to expect works to have occurred given that the site was acquired in 2020; that the owners have been in continuous liaison with of the Local Authority; that the property is the subject of a current planning application, and that the landowner was not adequately notified in relation to the proposed acquisition of the

site. Regarding the latter point, I note that the Local Authority have submitted proof of delivery in relation to the Section 15 Notice.

7.5.3. I note that owner/occupiers have obligations (under section 9 of the Act) to “take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site”. It is noted that no substantive works have taken place to the subject property. It is now over 11 years since the derelict condition of the property came to the Local Authority’s attention and over two years since the current owner was notified of the derelict state of the property. It has also been 6 months since the Local Authority served the Section 15 notice of intention to acquire the site compulsorily. Having inspected the site, with the exception of the erection of fencing, there is no evidence of any further attempt to render the site non-derelict and the property remains in a neglected and unsightly condition. Whilst a planning application has been made in respect of the redevelopment of the site I note that should permission be granted it is not guaranteed that this permission would be implemented, or if implemented that it would be carried out in a timely fashion.

7.5.4. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the property, which as stated constitutes a derelict site, I consider that it is appropriate that the Local Authority’s application for consent to compulsorily acquire the site at Canal Bank House, Off Leila Street, Limerick is granted.

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 a derelict site comprising a former dwelling and surrounding land situate at Canal Bank House, Canal Bank, Limerick containing 0.07 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 4th of October 2023 and on the deposited map (DS-115-11), pursues, and is 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.

- 8.3. 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 submissions to the Board, and 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.
- 8.4. 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 City and County Development Plan 2022-2028, and specifically Objective CGR O6 which seek to actively address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use. Accordingly, I am satisfied that that the confirmation of the CPO is 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 to the structure which is in a ruinous, derelict and dangerous condition, to the neglected, unsightly and objectionable state of the land and the structure thereon, and to the presence of litter, rubbish, debris and waste on the land, 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.
- 9.2. I consider that it is 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 ruinous, derelict and dangerous condition of the structure, the neglected, unsightly and objectionable condition of the site, and to the presence of litter, rubbish, debris and waste on the land, evidenced by the poor state and severely compromised nature of the external walls, the partial absence of a roof, the absence of windows/condition of windows, and the presence of debris and litter and the extent of graffiti, 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 section 3 (a), (b), and (c) 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 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.

Ian Campbell
Planning Inspector

10th May 2024