



An
Bord
Pleanála

Inspector's Report ABP-319707-24

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

Ellen Street, Limerick.

Planning Authority

Limerick City and County Council

Notice Party

IM Properties Ltd c/o Gerard Madden

Date of Site Inspection

1st August 2024

Inspector

Ciara McGuinness

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 Ellen Street, Limerick, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. The site which contains an unfinished structure is located in the inner-city core and is bound by Ellen Street to the south, Carr Street to the east, Punch's Row (Mungret Street) to the north and an unnamed lane to the west. The area is characterised by a mix of uses with commercial to the west and south (including the Milk Market), and residential to the north and east. There are a number of key landmarks in the area including the Milk Market, St. Michaels Church, St Johns Cathedral and Johns Square. The site is to the south-east of the 'Opera Site' redevelopment project on which work has commenced. Ellen Street car park to the north west of the site is also earmarked for redevelopment. Ellen Street is a key tourist route linking O'Connell Street to the Milk Market.
- 2.2. The site has an area of 0.213 hectares and is described in the notice as a four-storey unfinished development. On the day of my site inspection, I was able to view the property from the public street.
- 2.3. My observations of the site on the date of the inspection include the following;
- The site is secured at ground level by metal hoarding.
 - Green netting and scaffolding are in place on the elevation on Ellen Street.
 - Windows are in place.
 - Brick effect cladding has been installed along the north, east and south elevation.
 - No works have been undertaken to the western elevation which remains of unrendered, exposed concrete.
 - There is graffiti on the metal hoardings and on parts of the exposed western façade.

3.0 Application for Consent of 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 7th May 2013, advising of the Local Authority's intention to enter the site on the register of derelict sites, and under section 8(7), on the 13th February 2018, 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 (IM Properties Ltd) on the 7th March 2024 and was published in the Limerick Post newspaper, dated 9th of March 2024. The site was described as follows in the notices:
- A derelict site comprising a four-storey unfinished development and surrounding land situate at Ellen Street, Limerick, containing 0.213 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-001-13 in the Derelict Sites Register established and maintained by Limerick City & 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 compulsory acquisition was submitted to Limerick City and County Council by Gerard Madden of IM properties Ltd in a letter dated 10th April 2024. The objection can be summarised as follows;

- The site is well kept with ongoing improvements and repair works taking place.
- Since a commencement notice was entered in 2019, over a million euro has been spent on works. The site should no longer remain on the derelict sites list. At present the building is being re-faced.
- In 2018 when it was put on the derelict sites register it was in use as a car park and a store. In light of subsequent high court decisions this was wrong.
- The original permission was granted in June 2005 (P04/600) for retention of an underground car park for 34 cars, 6 shop units and 22 apartments.
- A new planning permission was granted in June 2018 (P18/168) for changes to the basement for 19 cars, a language school, shop units and 8 duplex apartments. The owners attempted to submit a commencement notice for this development, however, were told by Building Control that the structure as it stood must comply with building regulations (Part A) before a commencement notice could be submitted. The solution was to upgrade the structure as it stood and prevent any further weather damage.
- Inspections by Building Control have been carried out.
- Structural and preservation work was more extensive than originally envisaged. In August 2022, an independent engineer was employed to do a structural report which included core sampling, x-rays of the internal steel, chemical test of the materials and a 3D scan of the entire structure. These reports were completed in April 2023.
- An extension of permission was applied for as the on account of delays due to the regulations and time delays beyond the owner's control. The Council refused the extension of time.
- As the owners were never allowed put in a full commencement notice on P18/168 it is contended that the original retention permission P04/600 still stands. It is believed that the best solution is to refurbish the shops and apartments that were granted retention permission.

- The owner contends that they were granted a fire cert and permission to convert four shops to eight apartments on 21st February 2024.

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 9th May 2024 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 1st March 2024.
- Copy of the newspaper notice, dated 9th March 2024.
- Copy of objection made by Gerard Madden of IM properties Ltd.

4.3.2. The derelict site report can be summarised as follows:

- Limerick City and County have established a specialised 'Dereliction and Vacancy Team' to take an area-based collaborative approach to addressing vacancy and dereliction in Limerick City and in the towns and villages in the County. 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 site detracts from the amenity, character and appearance of the well maintained properties in the area and is deemed derelict due to partially ruinous parts of the building, where windows and doors have not been installed, incomplete roof structure and top floor, missing/broken/leaking rainwater gutters or downpipes, unrendered external façade exposing concrete blockwork and reinforced concrete walls, broken, missing or boarded

up windows and doors, dirty façade, graffiti, rotten timber, and unsightly boundaries (unsightly hoarding, rusted railings etc).

- The council first inspected the property on 9th April 2013 and identified it as a derelict site.
- On 2nd May 2013, LCCC served a Section 19 Derelict Sites Notice to Mr Gerard Madden, Director of IM Properties Ltd.
- On 7th May 2013, LCCC served the owner a Section 8(2) Notice.
- LCCC held a meeting with Mr Madden on 3rd July 2013 where he committed to undertaking works to take the site out of dereliction.
- The site was re-inspected by the area inspector following reports of a break-in. He met with Mr Madden who arranged to secure the site.
- There was correspondence in 2017 between the owners and the then LCCC area inspector about an upcoming application and intentions for the site.
- On 13th February 2018, a section 8(7) notice was served to the owner and affixed to the site.
- On 28th March 2018, a substantial fire broke out at the site. Fire officers attended a further fire at the site on 12th August 2018.
- On 16th November 2020, a section 15 Notice was served on the owners and affixed to the site. An objection was received from the owner and an application was made to An Bord Pleanála for consent to acquire the site.
- On 15th June 2021, ABP refused consent to compulsory acquire the site stating that more time should be provided to the owner to carry out the development in order to render the site non-derelict.
- Since then, limited works have been carried out to the site. In February 2022 a request for meeting was sent to the owner by LCCC. A meeting was subsequently held with officers of LCCC and Mr Madden to discuss the site. Mr Madden stated that works to comply with Building Regs were almost complete and the structure would then be stress tested under load before a fire cert would be issued and a commencement notice submitted.

- There have been further inspections of the site since then and there has been no significant change to the condition of the derelict site.
- It is the contention of the council that the inaction of the property owners and failures of their duties under the Derelict Sites Act that 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 Limerick City. The only option available to the council is to acquire this property compulsorily.

4.4. Objectors Submission

4.4.1. A submission was made to the Board (via email) by IM Properties Ltd on 31st May 2024 in response to the Section 15 notice. This can be summarised as follows;

- The indicators of dereliction are disputed;
 - All exterior windows and doors are fully installed.
 - Work has been carried out on the roof, installation of gutters and downpipes and sealing the concrete roofs.
 - The external façade of the building is currently being cladded with brick-effect panels and is 50% complete and we expect will be fully completed in 2 months.
 - There are no broken, missing or boarded up windows or doors
 - Dirty façade/graffiti is currently being rectified by the new cladding.
 - There is no rotten timber.
 - The boundaries are well secured with dark grey metal hoarding and is well kept.
- Over one million euro has been spent of refurbishing the property including significant strengthening works to the building, works to the building façade, internal insulation, guttering, etc. Works are continuing.
- There is more evidence of neglect and negative effects from neighbouring houses than from the subject site.

- After numerous meetings with LCCC in 2017, a plan was agreed and proposals submitted for planning permission. Permission was granted to reconfigure the building in June 2018.
- A break-in and fire damage to the property was reported to the Gardai and arrests were subsequently made. There was further anti-social behaviour in the area and not specific to the site. Its disingenuous to say that the site was derelict and unsupervised.
- A fire cert was applied for and granted in February 2019
- A variation in planning for the ground floor was applied for and granted in August 2019.
- A fire cert for the second planning granted was required, however to expediate the works, a Short Commencement Notice to do structural improvements and repairs and improve the building facade was applied for.
- Works began in Autumn 2019. However, delays were experienced due to Covid.
- The meeting with the derelict sites officer took place in July 2020 and not February 2020 as stated by LCCC. LCCC were reminded that the short commencement notice had been submitted to the Council, the building control officer had witnessed the works on site and so the site should no longer be on the derelict sites register.
- Reference is made to a high court decision related to a derelict site in Dublin. The fact that the building had been used as a car park and storage since at least 2010 declassified the building as a derelict site.
- In July 2022, strengthening and sealing of the building was complete to ensure there would be no further deterioration to the structure.
- Attempts were made to put in a commencement notice to complete the building according to PA Reg Ref 18/168. It was advised that the certification of the building's compliance with Part A and Part B of the Building Regulations would be required before putting in a commencement notice.

- Specialist engineers were employed to undertake a structural analysis of the building. In June 2023, after over €100,000 of testing and investigation, structural engineer's reports were submitted to Building Control.
- There have been no internal inspections of the €1 million refurbishment works done to the interior of the building.
- Due to delays caused by the interpretation of building control regulations, covid restrictions, and the application for consent of acquisition, an extension of planning permission was applied for. This was refused by LCCC.
- The planning granted in 2005 (P04/600 – the retention of 22 apartments, 6 shop units and underground car park) is the valid planning on the site. A fire cert and planning permission was applied for to change the four of the shop units to 8 apartments on 21st February 2024. Refurbishment of this permission the building will now proceed in accordance with this permission.
- The timescale for works is as follows;
 - By 28 June 2024 complete the insulation and cladding on the exterior of the building on the front, back and right side of the building
 - By 26 July 2024 finish the ground works and remove the hoarding on these three sides.
 - The fourth side facing Molly's Bar is blocked by an unauthorised structure and needs to be resolved by LCCC

5.0 Planning History

PL 30.129485 (PL01/261) – permission granted on appeal for multistorey car park with 4 residential units at roof level and 4 retail units at ground level.

PA Reg Ref 04/600 – permission granted for retention and completion of mixed-use development comprising of underground car park. 5 no. retail units and 46 apartments. Extension of duration of this permission was granted under ref. P.E. 10/1 until 31/12/11.

PA Reg Ref 18/168 – permission granted for the completion of the works comprising of a mixed development as follows: (a) language school and seven retail shop units

on ground floor; (b) five duplex 4 bedroom apartments and three duplex 6 bedroom apartment on first and second floors; (c) basement with 24 private car spaces and (d) new connections to the mains public water and sewer

PA Reg Ref 18/1077 – permission granted for the change of use of the Retail Shop units 1,2,3,4 and 7 (half) on the ground floor under previously granted planning permission no. 18/168 to a seven bedroom guest house.

PA Reg Ref 23/7017 – Refused in September 2023 for an extension of permission for planning ref. 18/1077.

Note 1:

ABP-302168-18 - Section 9 appeal against Limerick City and County Council's intention to include the site on the vacant site register. The notice was confirmed on the 14/11/18.

ABP-309337-21 – ABP Refused consent for compulsory acquisition of said site on 14th June 2021 in order to provide further time for the site owner to carry out the development in order to render the site non-derelect.

Note 2:

The notice party makes reference to a permission granted on 21st February 2024. No reference number is provided by the notice party, and I note no other recent planning history associated with the site at the time of writing this report.

6.0 Policy Context

6.1. Limerick Development Plan 2022-2028

- 6.1.1. The subject property is zoned 'City Centre' in the Limerick 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. The following Development Plan objectives are considered relevant;

Strategic Objective 4

‘...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 in which to live, work, visit and invest. ...’

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

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 of Issues

7.1. Site Inspection

- 7.1.1. Internal access to the property was not possible on the date of my site inspection on 1st August 2024, however I was able to view the site from the public road to the north, east, and south. The condition of the site at the time of my site inspection was an improvement to how the property looked from the most recent photographs taken by the Local Authority dated 17th January 2024 and had significantly improved from earlier photographs taken by the Local Authority dated from 2021 and 2022.

7.1.2. My observations of the site on the date of the inspection include the following;

- The site is secured at ground level by metal hoarding.
- Green netting and scaffolding are in place on the elevation on Ellen Street.
- Windows are in place.
- Brick effect cladding has been installed along the north, east and south elevation.
- No works have been undertaken to the western elevation which remains of unrendered, exposed concrete.
- There is graffiti on the metal hoardings and on parts of the exposed western façade.

7.1.3. The site is located in a prominent location within Limerick city, with high quality public amenities such as the Milk Market in the immediate vicinity. There are number of residential and commercial properties in the area which are well maintained and are in good condition. The works carried out since the application has been submitted have sought to address the state of dereliction, however further additional works would be required to take the property out of dereliction.

7.2. Category of Dereliction

7.2.1. I note the Local Authority considered that the property and lands fell under Category (b) of Section 3 of the derelict Sites Act 1990, as amended.

7.2.2. Based on my site inspection, it is my view that the subject structure and lands may be considered to still fall under Category (b) of Section 3 of the Derelict Site Act 1990, as amended (DSA):

- (b) The lands and structure are in a neglected, unsightly and objectionable condition.

7.2.3. The building appears to be in reasonable structural condition externally. There is no obvious evidence of significant cracking or structural damage to the external walls. I consider therefore that the site does not fall under category (a) of Section 3 of the Derelict Sites Act 1990, as amended. I did not notice any litter or rubbish within the site, or any evidence of waste being stored externally. Therefore, I am satisfied that the site does not fall under Category (c) of the Derelict Sites Act 1990, as

amended. Having regard to (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.

7.3. Action of Local Authority

7.3.1. I note the actions of the Local Authority, and the statutory notices served on the owner in respect of the site. Section 8(2) notices were served on the owner on 7th May 2013, advising of the Local Authority's intention to enter the site on the Derelict Site Register. Section 8(7) notices were subsequently served on the owner on 13th February 2018, advising the owner that the site had been entered on the Derelict Sites Register. A Section 15(1) notice was served on the owners on the 7th March 2024 and published in the Limerick Post newspaper dated 9th March 2024 regarding the Local Authority's intention to acquire the site compulsorily. Having regard to the above, I am satisfied that the Local Authority complied with the requirements of Section 8(2), Section 8(7) and Section 15 of the Derelict Sites Act 1990, as amended. Therefore, I am satisfied that the efforts of the local authority have been fair and reasonable in accordance with the legislation.

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 10 years since communications between the owner and the Local Authority 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, specifically Objectives CGR 04(b) and CGR 06, seeks to address instances of dereliction and decay in the urban and rural environment, seeks to reuse and revitalise derelict, vacant and underutilised sites and disused buildings and bring properties back into active reuse.

I 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 proposed compulsory acquisition 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 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”. From the evidence on file, including photographs appended to Local Authorities Compulsory Acquisition report, it is clear that the subject property was in a derelict state, and in an unsightly and neglected condition which detracted considerably from the character and amenity of the area at the time that the application to acquire the site was lodged. However, having inspected the site in August 2024, I observed that there is evidence that the owner has attempted to actively address the issues of dereliction, and in my opinion, it is likely that the owner will continue to address the indicators of dereliction of the property. I noted that brick effect cladding had been installed on the facades of the property and I note the applicant’s efforts to comply with Building Regulations. I noted works were continuing with scaffolding and netting in place along the Ellen Street façade. Thus, whilst the site remains in a neglected and unsightly condition and detracts materially from the amenity and character of the area to an unacceptable degree, I would accept that the ongoing efforts by the owner to render the site non-derelict should be taken into account in this instance. It is my view that the owner has invested considerable expense on the property and is progressing matters. For this reason, it is considered that it would not be appropriate to consent to the compulsory acquisition of the site at this point in time.
- 7.5.2. It is further noted that the Local Authority has powers under Section 11 of the Derelict Sites Act 1990 (as amended) to require the owner to take specified measures to address any outstanding issues contributing to the dereliction of the property, should this be deemed necessary. Having regard, therefore, to all of the information available on the file and the continued appearance and condition of the subject property, it is concluded that the property constitutes a derelict site. Notwithstanding this, it is considered that there is evidence that adequate efforts are

being made to render it non-derelict, and that as such, sufficient time should be afforded to conclude these works. It is considered, therefore, that it is appropriate to refuse the Local Authority's application for consent to compulsorily acquire the site at Ellen Street, Limerick.

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 proposed acquisition of the Derelict Site comprising a four-storey unfinished development and surrounding land situate at Ellen Street, Limerick, containing 0.213 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 1st day of March 2024 and on the deposited maps (DS-001-13), 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.
- 8.3. I am further satisfied that the proposed acquisition of these lands was consistent with the policies and objectives of the Limerick Development Plan 2022-2028, specifically Objectives CGR 04(b) and CGR 06 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.
- 8.4. It is further acknowledged that at the time of the lodgement of the application with the Board, the acquiring authority had adequately demonstrated that the means chosen to achieve that objective would have impaired the property rights of affected landowners as little as possible, and that the effects of the compulsory acquisition on the rights of affected landowners were proportionate to the objective being pursued at the time.
- 8.5. However, having regard to the works undertaken to date which have addressed the dereliction, I am no longer satisfied that this is still the case. In this respect, I have considered alternative means of achieving the objective referred to in the

submissions to the Board and am satisfied that the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.

- 8.6. Having regard to the efforts made to date by the owner to address the matters that gave rise to the derelict condition of the site and the progress made on site, I am no longer satisfied that that the grant of consent to the compulsory acquisition is justified by the exigencies of the common good at this point in time. I am of the opinion that, given the works carried out to date on site, it would be appropriate to allow time to progress matters on site.

9.0 Recommendation

- 9.1. Notwithstanding the current unsightly and objectionable condition of the site which detracts to a material degree from the amenity, character and appearance of the streetscape and surrounding land in the neighbourhood, taking account of the evidence of the ongoing efforts being made by the Notice Party to address the dereliction onsite, to bring the property back into use, including the works to the external facades of the building, I do not consider it reasonable that the local authority now seeks to compulsorily acquire the land (at this point in time), as provided by Section 14 of the Act. I recommend, therefore, that the Board refuses consent to Limerick City and County Council to the compulsory acquisition of the site.

10.0 Reasons and Considerations

Having regard to the current unsightly and objectionable condition of the site, having considered the objections made to the compulsory acquisition, and also:

- The constitutional and Convention protection afforded to property rights,
- The public interest, and
- The provisions of Limerick Development Plan 2022-2028,

it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, however having regard to the efforts made to date by the owner to address the matters that gave rise to the derelict

condition of the site, the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelect. The Board is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

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.

Ciara McGuinness
Planning Inspector

13th September 2024