



An
Bord
Pleanála

Inspector's Report

ABP-319709-24

Development

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

Location

2 Colbert Terrace, Abbeyfeale, Co. Limerick.

Planning Authority

Limerick City and County Council

Notice Party

Martin O'Brien

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 2 Colbert Terrace, Abbeyfeale, Co. Limerick, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1. Colbert Terrace is in the centre of Abbeyfeale to the rear of Main Street and connects the Main Street (N21) with the R524. It comprises of a mix of single, dormer and two storey dwellings interspersed with commercial uses with rear accesses to properties that front onto Main Street. No. 2 comprises a mid-terrace, two storey dwelling served by front and rear gardens. There is a history of extensive dereliction in Colbert Terrace. No's. 2, 3, 4, 6 7, 9 and 11 are in varying stages of dereliction some of which have been acquired by the local authority or served with notices of intention to put the property on the derelict sites register. Derelict site cases at No's 8 and 10 have been addressed by the respective owners. The adjoining house to the northwest, No. 1 Colbert Terrace is currently occupied by the parents of the Notice Party. The adjoining properties at 3 and 4 Colbert terrace have recently been demolished and are in the process of being rebuilt (PA Reg Ref: 21/1432 refers). The party wall between No.2 and No. 3 was demolished as part of these works but has since been rebuilt.
- 2.2. The site has an area of 0.024 hectares and is described in the notice as mid-terrace, two-storey residence. On the day of my site inspection, I was able to view the front and side of the property from the public street. I was also able to view the rear of the property from the Tesco car park to the north of the site.
- 2.3. My observations of the site on the date of the inspection include the following;
- The property was vacant but in a tidy state.
 - The party gable wall between No. 2 and No. 3 Colbert Terrace has been rebuilt but is not structurally linked to the roof.
 - The roof has been partially patched but is not linked to the gable wall.

- A side boundary wall has recently been constructed.
- The front façade of the house has recently been painted.
- The front garden has been cleared of scrub/vegetation.
- The property has no guttering.
- There were loose hanging wires and cables on the front façade.
- The 1-storey element of the property at the rear is in poor condition with gaping holes in the roof.
- Windows and doors to the rear of the property are not secure.
- Construction works at No. 3 Colbert Terrace are continuing. Foundations have been laid and blocks have been delivered to site.

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 6th March 2018, advising of the Local Authority's intention to enter the site on the register of derelict sites, and under section 8(7), on the 5th October 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 (Martin O'Brien) on the 7th March 2024 and was published in the Limerick Post newspaper dated 9th March 2024. The site was described as follows in the notices:

- A derelict site comprising a mid-terrace, two-storey residence and surround land situate at 2 Colbert Terrace, Abbeyfeale, Co. Limerick, containing 0.024 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-046-18 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 acquisition was received by Limerick City and County Council on the 8th April 2024 from Robert Cussen & Sons Solicitors on behalf of Martin O'Brien. The objection can be summarised as follows;

- Their client disputes that the property is in a derelict state.
- Since their client acquired the property substantial remedial works have been carried out including;
 - Digging out overgrown back yard and replacement with new gravel
 - Erection of new boundary walls around the back of the property
 - Erection of new gable end
 - Removal of ivy from the façade of the property
 - Removal of loose guttering slates and rubble hanging from the property
 - Clearing out the interior of the property to facilitate refurbishment works to be carried out internally.
- The property is not ruinous or in a derelict dangerous condition. Following remedial works the property is no longer in an unsightly or objectionable condition. Rubbish and waste have been removed from the property.
- It is their client's intention to;
 - Fully upgrade and renovate the inside of the property
 - Replace windows and doors
 - Paint the property internally and externally

- Move into the property in the next 6-9 months
- Renovation works have been delayed by Covid 19 and by the demolition of the attached house.
- The client's builder is ready to commence works next week.

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 Robert Cussen & Sons Solicitors on behalf of Martin O'Brien.

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

- Limerick City and County Council (LCCC) 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 rebuilt gable wall/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 and doors at rear, dirty façade/peeling paint, rotten timber, accumulation of litter/waste or illegal dumping; site overgrown with vegetation, unsightly boundaries (damaged hoarding, broken fences, rusted railings etc.).

- The derelict site was previously acquired compulsorily by LCCC through Derelict Sites legislation and vested in the Council on 28th February 2019.
- The property was sold by LCCC on 2nd July 2021 to Mr. Martin O'Brien, with an address of No. 1 Colbert Terrace. As condition of the sale, the new owner was given 18 months to bring the property out of dereliction.
- Since completion of the sale in July 2021 the property remained on the derelict sites register.
- The adjoining property at No.3 Colbert terrace and the party wall between that and No. 2 was demolished. Approximately 6 months later the party wall was reconstructed along with the boundary wall, however no further works were done on the site from this time. The party wall was never structurally linked into the existing property and the front and rear walls along with the roof were never fully finished.
- In June 2023, the LCCC area inspector visited the site and spoke with the owner's father living in the neighbouring property. It was outlined that the lack of progress on site to deal with the dereliction was not acceptable based on the terms of the sale. The owners father explained that his son was away and could not be contacted.
- There has been no further communication from the owner to LCCC.
- The council first inspected the property on 22nd February 2023 and identified it as a 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 by Robert Cussen & Sons Solicitors on behalf of Martin O'Brien in response to the application for compulsory acquisition, was received by the Board by email on 31st May 2024. The submission is summarised as follows;

- No support or direction has been received from the Council in relation to the property.
- The property was purchased in July 2021 from the Council with the derelict notices in place. Their client carried out remedial works to the property. The photos provided by the Council show a vastly improved property in 2024 vs 2018.
- The client's parents live in the adjoining property at 1 Colbert Terrace.
- Of the 11 houses in Colbert terrace only two, No. 1 and No. 5 are not the subject of derelict sites notices. House No.3 which is attached to the subject property is also under a derelict site notice and has recently been demolished along with house No. 4.
- The demolition of No. 3 Colbert Terrace has delayed their clients plans for the refurbishment of his own property. The demolition of that property caused some damage at roof level which their client has had repaired.
- There is an ongoing flooding problem at the rear of the property. The Council have recently been involved in the laying of new pipes to remedy the situation. The rear extension was affected by the flooding issue, and it was not possible to deal with its refurbishment until the works by the Council had been undertaken.
- It is denied that the structure is in a dangerous condition. The photograph provided show the remains of property No. 3 at roof level. The expectation is that the adjoining property will be rebuilt in due course.
- There is no rubbish or waste deposited within the site.

- The windows do not contain broken glass and there are no issues with the front door.
- The indicators of dereliction as set out in the Local Authority's report are disputed. The gable wall has been rebuilt in full. Any issues in relation to the gable wall relate to the adjoining owner's property. There are no holes in the roof or slipped slates apparent. The gutter at the front has been replaced. There is no loose masonry or fallen plaster. The site is not overgrown with vegetation. Photos from 2018 to 2024 show that the site has been substantially cleared by their client. Their client has erected a concrete wall at the perimeter of the property and tied up the property and rear yard.
- It is their client's intention to refurbish the property and reside beside his parents. This has been delayed by Covid 19 and more recently by the demolition of the adjoining property.
- The hole that has been left by the removal of No. 3 Colbert Terrace and the partial roof area left by No. 3 when demolishing the property gives a negative impression but do not relate to No. 2 Colbert Terrace.
- Their client has a builder ready to commence work and intends to be living in the property by Christmas 2024.

5.0 Planning History

Subject Site

None

Adjoining Site (No.3 & 4 Colbert Terrace)

PA Reg Ref: 21/1432 – Permission granted in January 2022 for the demolition of two no. two storey dwelling houses and erect two no. two storey dwelling houses in same location with connections to all public services and all associated site works.

6.0 Policy Context

6.1. Limerick Development Plan 2022-2028

- 6.1.1. 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.

Policy CGR P4 Revitalisation of Towns and Villages

It is the policy of the Council to:

- a) Actively address issues of vacancy and dereliction in settlements across Limerick.

6.2. Abbeyfeale Local Area Plan 2023-2029

- 6.2.1. The site is zoned ‘Existing Residential’ with the objective to provide for residential development, protect and improve existing residential amenity.
- 6.2.2. The following policy is considered relevant;

Policy TCF P3: Vacancy- It is policy of the Council to:

a) Promote and facilitate the re-use of under-utilised or vacant lands/buildings in Abbeyfeale through the active land management mechanisms, under the Derelict Sites Act, 1990 (as amended), the Urban Regeneration and Housing Act 2015 (for vacant sites), Residential Zoned Land Tax and also guided by key Government policies, such as Town Centre First, Our Rural Future, and Housing for All and any replacements thereof. The Council will engage with property owners to advise on remedial measures and give guidance on schemes and supports available to bring vacant and derelict buildings back into productive use.

6.3. Derelict Sites Act 1990 (as amended)

6.3.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables Local Authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.

6.3.2. Section 3 of the Act defines 'derelict site' as:

"Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law."

6.3.3. Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.

- 6.3.4. Section 9 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.
- 6.3.5. 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.
- 6.3.6. Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- 6.3.7. Section 14 of the Act provides that a Local Authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.3.8. Section 15 of the Act sets out arrangements for giving notice, if the Local Authority intend to acquire a derelict site compulsorily.
- 6.3.9. 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 and from the Tesco car park to the north of the site. 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 7th March 2024.
- 7.1.2. My observations of the site on the date of the inspection include the following;
- The property was vacant but in a tidy state.
 - The party gable wall between No. 2 and No. 3 Colbert Terrace has been rebuilt but is not structurally linked to the roof.
 - The roof has been partially patched but is not linked to the gable wall.

- A side boundary wall has recently been constructed.
- The front façade of the house has recently been painted.
- The front garden has been cleared of scrub/vegetation.
- The property has no guttering.
- There were loose hanging wires and cables on the front façade.
- The 1-storey element of the property at the rear is in poor condition with gaping holes in the roof.
- Windows and doors to the rear of the property are not secure.
- Construction works at No. 3 Colbert Terrace are continuing. Foundations have been laid and blocks have been delivered to site.

7.1.3. The site is located in a prominent location within the settlement of Abbeyfeale, to the rear of the main street. As evidenced on day of inspection there is extensive history of dereliction in Colbert Terrace. The Council has taken a direct approach in dealing with this dereliction including acquiring No's 6, 7 and 11. Actions have also been taken by private owners to address the dereliction at No's 3 and 4 Colbert Terrace with the demolition and rebuilt of the properties in progress. There are clear issues with the rebuilt party wall between No's 2 and 3, in terms of both its visual appearance and its lack of structural connection to the roof, however I consider that these issues will be substantially resolved through the rebuilding of No.3 Colbert Terrace. The works carried out at the subject site since the application has been submitted have generally improved the appearance of the property, however further additional works would be required to address the structural issues and 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 (a), (b) and (c) of Section 3 of the derelict Sites Act 1190, as amended.
- 7.2.2. I note the gable party wall has been rebuilt, however there is obvious structural issues as the gable wall is not structurally linked to the roof. There is also evidence of structural damage to the rear of the property with gaping holes in the roof. I

therefore consider that the site falls under category (a) of Section 3 of the Derelict Sites Act 1990, as amended.

- 7.2.3. Based on my site inspection, it is my view that the subject structure and lands are still in a neglected, unsightly and objectionable condition. I therefore consider that the site falls under Category (b) of Section 3 of the Derelict Site Act 1990, as amended.
- 7.2.4. I did not notice any litter or rubbish within the site, or any evidence of waste being stored. Therefore, I am satisfied that the site does not fall under Category (c) of the Derelict Sites Act 1990, as amended.
- 7.2.5. 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.

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 6th March 2018, 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 56th October 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.
- 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 3 years since sale of the property to the current owner has been completed. 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 Policy CGR P4 and 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. 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 the generally improved appearance of the property, which has been cleared of all scrub/vegetation and has been recently painted. It is apparent that the structural issues related to the party wall remain, however I consider that this will be addressed through the rebuilt of No. 3 Colbert Terrace, which is currently progressing. 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. I would also accept that issues related to the party wall will be addressed through the rebuild of No. 3 Colbert Terrace. 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 2 Colbert Terrace, Abbeyfeale, Co. 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 mid-terrace, two-storey residence and surround land situate at 2 Colbert Terrace, Abbeyfeale, Co. Limerick, containing 0.024 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 (DS046-18), 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, and specifically Policy CGR P4 and 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, and the works progressing on the adjoining site which will address the issue of the party wall, 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 clearing of all scrub/vegetation and the recent painting of the property, along with the works progressing on the adjoining site which will address the issue of the party wall, 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 ruinous and derelict condition of the structure and the derelict, dangerous, neglected, unsightly and objectionable state of the land, 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, along with the works progressing on the adjoining site which will address the issue of the party wall, the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict. 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

6th September 2024