



An
Bord
Pleanála

Inspector's Report

ABP-322277-25

Development

DS-069-23 - A derelict site comprising a two-storey, end-of-terrace house and surrounding land situate

Location

at 1 St. Mary's Road, Newcastle West, County Limerick.

Planning Authority

Limerick City and County Council

Notice Party

Maurice Kelly

Date of Site Inspection

16th June 2025

Inspector

Clare Clancy

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 1 St. Mary's Road, Newcastle West, Co. Limerick, in accordance with the provisions of the Derelict Sites Act 1990, as amended.

2.0 Site Location and Description

- 2.1.1. The property which is the subject of this application for consent for compulsory acquisition (referred to hereafter as the 'subject property') is located at 1 St. Mary's Road, Newcastle West, Co. Limerick.
- 2.1.2. The site fronts onto St. Mary's Road which is a busy national route N21 (Limerick/Tralee) passing through Newcastle West. The site extends to the rear and backs onto Lower Maiden St. to the north. There is an existing pedestrian laneway (Coollel Lane) to the west of the subject property that links St. Mary's Road with Lower Maiden St to the north. There is a vacant commercial premises and yard to the west of the site.
- 2.1.3. The site comprises of a two storey semi-detached dwelling with a storage shed to the rear. There is low boundary wall with pedestrian access along the front of the site, and an adjacent public footpath. There is an existing access gate from the rear of the subject property onto the adjoining lane. The ground levels of the site rise to the rear (north).
- 2.1.4. The subject property is not a Protected Structure, is not listed on the National Inventory of Architectural Heritage (NIAH) and is not located within an Architectural Conservation Area (ACA).
- 2.1.5. On day of my site inspection, the following was noted:
- The front door, windows at ground floor and first floor levels were removed on the front elevation of the subject property and the chimney was removed.
 - Rainwater goods were attached to the roof however, a downpipe chute was not in place.

- Security fencing was erected within the curtilage of the subject property and along the western and northern boundaries of the site preventing access to the site.
- The roadside boundary wall was dirty.
- Vegetation (ivy) was growing on the front façade which extended to roof level.
- To the rear of the dwelling, door(s), windows at ground floor and first floor were removed and the roof on a single storey rear return was removed.
- Construction and demolition waste is disposed to the rear of the subject property in the rear back garden.

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 19th July 2023, advising of the Local Authority's intention to enter the site on the register of derelict sites, under Section 8(7) on 29th August 2024 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 Council's intention to acquire the site compulsorily was served on the owners/occupiers/lessee (Maurice Kelly) on 12th February 2025 and was published in the Limerick Post newspaper date 15th February 2025. The site was described as follows in the notices:

- A derelict site comprising a two-storey, end-of-terrace house and surrounding land situate at 1 St. Mary's Road, Newcastle West, Co. Limerick, containing 0.040 ha or thereabouts. The said property and surrounding land is in a state of dereliction. This said derelict site is more particularly shown outlined in red on a map bearing reference no. DS-069-23 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 compulsory acquisition was submitted to Limerick City and County Council by Maurice Kelly on 18th February 2025. The objection can be summarised as follows:

- Objects to the notice of valuation letter dated 28th January 2025 which refers to a surcharge of 7% for the year 2025 as is undervalued in the current environment.
- The Area Inspector was unaware of the planning history of the site and ongoing discussions regarding P.A. Ref. 24/60430 with the planning authority.
- Not enough time was given by the Local Authority between when the valuation was received (28th January 2025) and the notice to compulsorily acquire the site dated 07th February 2025.
- Delays arose during the planning process for various reasons.
- A new planning application would be submitted within two weeks of the letter objecting for a new development relating to the subject property.
- Evidence of an exemption granted under Section 97 of the Urban Regeneration and Housing Act 2015 on 31st May 2024 by Limerick City and County Council.
- The subject property was acquired and was in the ownership of the current owner since 23rd July 2023.

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 10th April 2025 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 the 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 Derelict Site Location Map.
- Copy of the Section 15 Notice dated 07th February 2025, served on the owners/occupiers of the subject property on 12th February 2025.
- Copy of the newspaper notice dated 15th February 2025.
- Copy of the objection made by Maurice Kelly.

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

- Limerick City and County Council (LCCC) have established a specialist '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 to a material degree from the amenity, character and appearance of the well maintained property in the area and is deemed derelict due to missing/broken/leaking rainwater gutters or downpipes; loose masonry or falling plaster; broken, missing or boarded up windows or doors; dirty façade / peeling paint; plants growing up the front and side of the building; accumulation of litter/waste or illegal dumping; site overgrown with vegetation; unsightly rear of sight with large amounts of vegetation.
- The Local Authority first inspected the subject property on 24th May 2023 and identified it as a derelict site.
- A letter of enquiry was sent to the property owner on 12th June 2023 but was not responded to.

- The reputed owner Maruce Kelly contacted the LCCC Area Inspector on 03rd July 2023 seeking details on the derelict site, but was not willing to discuss matters in regard to the queries raised by the LCCC Area Inspector.
- A Section 8(2) Notice was affixed to the subject property on 19th July 2023.
- A Section 8(7) Notice was affixed to the subject property on 29th August 2024 and served on the owner.
- A Section 22 Notice of Valuation was issued on 28th January 2025.
- On 16th January 2025 and 13th February 2025 site inspections was carried out by the LCCC Area Inspector to determine if the state of dereliction had been addressed and concluded that the owner had not done anything further to resolve the state of dereliction of the site.
- It is the contention of the local authority 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 the key area of Newcastle West and the only option available to the local authority in this regard is to acquire this property compulsorily on 07th February 2025 a Section 15(1) Notice was issued.

4.4. Objection to Submission

4.4.1. An objection to the proposed compulsorily acquisition was submitted to Limerick City and County Council by the owner Maurice Kelly on 25th April 2025. The objection can be summarised as follows:

- The Local Authority failed to contact the owner by email or phone to discuss the dereliction of the site.
- The dates referenced by the Local Authority (24th May, 12th June 2023, 03rd June 2023) were prior to the registration of the new property owner which is indicated as 05th July 2025 and therefore was not aware of any previous correspondence.

- Since acquiring the site, planning permission has been applied for the sites redevelopment the most recent P.A. Ref. 25/60216.
- There is an existing Right of Way at the western boundary of the subject property which is in a state of dereliction. The owner offered to the planning authority to upgrade the Right of Way.
- In April 2025 a building contractor was on site to clear the site, heras security fencing was erected around the sites curtilage and public safety notices mounted on same.
- Has applied for a Vacant Property Refurbishment grant hopes to have a decision by 28th April 2025. The building contract is on standby to commence works.
- External windows and doors for the dwelling are ordered.

The submission includes photos of the site, copy of acknowledgement of receipt of the planning application by LCCCC in regard to P.A. Ref. 25/60213, evidence/copy of local property grant application form, floor plans of the proposed usage of the dwelling house and copy of land registry folio details indicating that the site was registered in the property owners name on 05th July 2023.

4.4.2. A further submission was received by the Board from Maurice Kelly on 06th May 2025 which can be summarised as follows:

- Heras security fencing and safety notices were erected on the subject property.
- The dwelling was cleared of vegetation and overgrowth.
- The property owner was notified that the application for a vacant property grant received approval on 01st May 2025 and refurbishment works would commence as soon as full approval is given by the Local Authority.

The submission includes a photo of the subject property showing securing fencing erected and safety notices mounted on same.

5.0 Planning History

- P.A. Ref. 04/3531 – Permission granted for demolition of existing dwelling and construction of 3 no. houses and associated site works.

- P.A. Ref. 24/60430 – Permission refused for 2 no. town houses. The grounds for refusal related to concerns for pedestrian safety on the adjacent laneway, inadequate surface water management measures, and impact on residential amenities (24th October 2024).
- P.A. Ref. 25/60216 – Permission sought for 2 no. town houses with separate access onto Lower Maiden Street. Application received by the planning authority on 18th March 2025 and at time of writing this report, is at further information stage.

6.0 Policy and Legislation Context

6.1. Limerick Development Plan 2022-2028

6.1.1. The following objectives are considered relevant;

Strategic Objective 4

‘....Support and facilitate revitalisation and consolidation of the City, towns and villages, through public realm and placemaking 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. Newcastle West Local Area Plan 2023-2029

6.2.1. The subject property is zoned 'Existing Residential'.

Objective: To provide for residential development, protect and improve existing residential amenity.

Purpose: This zoning reflects established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the area will be enhanced with associated open space, community uses and where an acceptable standard of immunity can be maintained, and limited range of other uses that support the overall residential function of the area, such as schools, crashes, doctors surgeries, playing fields.

6.2.2. The following policy is relevant:

Policy TCFP 3: Vacancy

It is the policy of the Council to:

- (a) Promote and facilitate the re-use of under-utilised or vacant lands/buildings in Newcastle West through the active land management mechanisms, under the Derelict Sites Act, 1990 (as amended), 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.
- (b) Support the provision of new services, economic opportunities, improved infrastructure, public realm, and the provisions of the Town Centre First programme to encourage the re-use of buildings and underused lands in Newcastle West's town centre.

6.3. Derelict Sites Act 1990 (as amended)

6.3.1. The Derelict Sites Act 1990, as amended, makes provision 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. Other relevant provisions of the Act are summarised below:

- Section 8 of the Act requires Local Authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/ owners of their intention to do so.
- Section 9 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.
- 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.
- Section 11 of the Act enables Local Authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in its functional area.

- Section 15 sets out arrangements for giving notice if the local authority intends to acquire a derelict site compulsorily.
- Section 16 sets out arrangements if the owner/occupier wishes to object to the acquisition and it provides that if an objection is made, then 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. External and internal access to the subject property was not possible on the date of my site inspection 16th June 2025, however I was able to view the site from the public road and the adjoining laneway to the west. The house is vacant and it appears that construction works have commenced on the refurbishment and renovation of the subject property.
- 7.1.2. My observations of the site on the date of the site inspection include the following:
- The front door, windows at ground floor and first floor levels were removed on the front elevation and the chimney was removed.
 - Rainwater goods were attached to the roof however a downpipe chute was not in place.
 - Security fencing was erected within the curtilage of the subject property including along the western and northern boundaries of the site preventing access to the site.
 - The roadside boundary wall was dirty.
 - Vegetation (ivy) was growing on the front façade which extended to roof level.
 - To the rear of the dwelling, door(s), windows at ground floor and first floor were removed and the roof on an adjoining ground floor rear return structure was removed.
 - Construction and demolition waste is deposited to the rear of the subject property in the rear back garden.

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 1990, as amended.
- 7.2.2. I note the last photos taken by the Local Authority dated 16th January 2025 prior to the serving of the Section 15 Notice. I note the submission by the property owner on 06th May 2025 in which it is stated that the Local Authority approved the application for a vacant property grant and that refurbishment works would commence on the site. It was noted from my site inspection that construction activity appears to have taken place both internally and externally of the subject property since these last photos were taken. Arising from works undertaken, I noted that the windows, door, chimney on the front and rear elevations of the subject dwelling were removed, and the roof on a single storey adjoining extension at the rear of the dwelling was also removed. Construction and demolition waste was observed to the rear of the existing dwelling. Having regard to my site inspection, I consider that the subject property 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 property and the lands within the curtilage of the existing dwelling are in a neglected, unsightly and objectionable condition. I therefore consider that the site falls under Category (b) of Section 3 of the Derelict Sites Act 1990, as amended.
- 7.2.4. Construction and demolition waste was deposited on the private amenity area serving the subject dwelling to the rear of the subject property. Therefore I consider that the site falls under Category (c) of Section 3 of the Derelict Sites Act 1990, as amended.
- 7.2.5. Having regard to (a), (b) and (c) above, it is my consideration 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/occupier in respect of the subject property. Section 8(2) Notices were served on the owner on 19th July 2023, advising of the Local Authority's intention to enter the site on the Derelict Sites Register. Section 8(7) Notices were subsequently served on

the owner on 29th August 2024 advising that the site had been entered on the Derelict Sites Register. A Section 15(1) Notice dated 07th February, was served on the owner on 12th February 2025 and published in the Limerick Post newspaper dated 15th February 2025 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 powers under the Derelict Sites Act, except where necessary. It is approximately 19 months since communications between the owner of the subject property and the local authority commenced in relation to the derelict state of the property. Having regard to the foregoing, 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 Strategic Objective 4 and 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 further note that the Newcastlewest Local Area Plan 2023-2029 seeks to secure compact settlements and vacancy in the town center by addressing vacancy and dereliction, and Policy TCFP3 seeks to manage this. I consider that the subject property detracts to a material degree on 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 direct condition.

7.5. Action of the Owner to Address Dereliction

- 7.5.1. I note that an objection to the proposed acquisition of the site was made to the Local Authority by Maurice Kelly on 18th February 2025. The basis of the objection to the compulsory acquisition of the subject property was that the Area Inspector was unaware of the planning history of the site and the ongoing discussions regarding P.A. Ref. 24/60430 with the planning authority, and that a new planning application for the subject property would be submitted within 2 weeks of the letter of objection. It is stated that not enough time was afforded to the landowner by the Local Authority between when the valuation was received (28th January 2025) and the notice to compulsorily acquire the site (07th February 2025). Also, delays arose during the planning process for various reasons resulting.
- 7.5.2. The property owner in a submission to the application for acquisition on 25th April 2025 outlined that the dates referenced by the Local Authority (24th May, 12th June 2023, 03rd June 2023¹) were prior to the registration of the new property owner which is indicated as 23rd July 2025, and therefore the property owner was not aware of any previous correspondence. It is also stated that since acquiring the site, planning permission has been applied for the sites redevelopment, the most recent being P.A. Ref. 25/60216. I note that this application was made on 18th March 2025 and is currently at Further Information stage. An application was also made for a vacant property refurbishment grant and an order was placed for new windows and doors. In a further submission to the Board on 06th May 2025, the property owner outlined that security fencing and safety notices were erected on the subject property, vegetation and overgrowth was cleared, and the Local Authority notified the property owner that the application for the vacant property refurbishment had received approval (no letter of confirmation was submitted in support). Following on from this, it was the intention of the property owner to commence refurbishment works of the subject property.
- 7.5.3. I note that owners/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*”. I note from my site inspection on 16th June 2025 that it was apparent that works had been undertaken to address the appearance of the subject property

¹ Folio details are provided with the submission of lodged on 25th April 2025 which indicate that the subject property in the property owners name on 05th July 2023.

since the Local Authorities site inspections carried out on 16th January 2025, prior to the serving of the Section 15(1) Notice on 12th February 2025.

- 7.5.4. It has been approx. 4 months since the Local Authority served the Section 15 Notice to acquire the subject property compulsorily. I note that the property owner acquired the site on 23rd July 2023. I further note the planning history of the subject property in particular P.A. Ref. 25/60216 which is pending decision. Having inspected the site, it was evident to me that the owner has commenced refurbishment works to the existing dwelling to actively address the issues of dereliction. Whilst the site remains in a ruinous, derelict and dangerous condition, and in a neglected and unsightly condition with the presence of construction and demolition waste was deposited within the curtilage of the subject property at the rear, and detracts materially from the amenity and character of the area to the rear of the subject property to an unacceptable degree, I would accept that the ongoing actions and efforts by the owner to render the site non derelict should be taken into account in this case. It is my view that the owner has invested expense on the property and is progressing matters for this reason. Therefore it is considered that it would not be appropriate to consent to the compulsory acquisition of the site at this point in time.

8.0 Conclusion

- 8.1.1. 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 land to be acquired are both necessary and suitable to ensure that the lands do not continue to be a derelict site.
- 8.1.2. Having regard to the Constitutional and Convention protection afforded to property rights, I consider that the proposed acquisition of the Derelict Site comprising a two-storey, end-of-terrace house and surrounding land situate at 1 St. Mary's Road, Newcastle West, Co. Limerick, containing 0.040 ha 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 07th February 2025 and on the deposited map (DS-069-23) 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.

- 8.1.3. I am satisfied that the proposed acquisition of these lands was consistent with the policies of the Limerick Development Plan 2022-2028 specifically Policy CGR P4 and Objectives CGR 04(b), CGR 06 and Policy CGR P4 and Policy TCFP 3 of the Newcastle West Local Area Plan 2023-2029 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.
- 8.1.4. 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.
- 8.1.5. However, having regard to the actions and measures undertaken to date which include the erection of security fencing around the subject property, the internal and external refurbishment and renovation works undertaken to the existing dwelling including the removal of windows, doors, chimney, the roof of the adjoining ground floor extension to the rear of the dwelling, and the removal of vegetation growth, and the application for a vacant property refurbishment grant, to address the state of 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 I'm satisfied that the alternatives are such as to render the means chosen and the compulsory acquisition by the acquiring authority unreasonable or disproportionate.
- 8.1.6. 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 measure of progress made on site to date, including the application for the vacant property refurbishment grant, I am no longer satisfied that the grant of consent to the compulsory acquisition is justified by the exigencies of the common good at this point in time. I'm of the opinion that, given the actions and works carried out to date on site, it would be appropriate to allow time to progress matters on site.

9.0 Recommendation

- 9.1.1. 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 on the site and to bring the property back into use, including the erection of security fencing around the subject property, the internal and external renovation and refurbishment works undertaken to the existing dwelling including the removal of windows, doors, chimney, the roof of the adjoining ground floor extension to the rear of the dwelling, and the removal of vegetation growth to address the dereliction, 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 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 and having considered the objection made to the compulsory acquisition, and also:

- a) the constitutional and Convention protection afforded to property rights,
- b) the public interest, and
- c) the provisions of Limerick Development Plan 2022-2028,

notwithstanding that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood, having regard to the efforts made to date by the owner to address 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-derelict. The Board is not satisfied, therefore, that the objection made cannot be sustained, having regard to that said necessity or 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.

Clare Clancy
Planning Inspector

18th June 2025